

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1217 of 2019

Arising Out of PS. Case No.-1225 Year-2018 Thana- SAHARSA District- Saharsa

SHUSHIL RAM @ SHUSHIL KUMAR RAM, Male, aged about 30 years,
Son of Kishundeo Ram, Resident of Village - Kohra Kuti, ward no. - 6, P.S.-
and Distt - Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjana Sinha, Adv.

For the Respondent/s : Mrs. Usha Kumari 1(APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-04-2019

Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST Amendment Act, 2016, against the refusal of prayer for bail by order dated 18.01.2019 passed by learned 3rd Additional District and Sessions Judge-cum Special Judge SC/ST Act, in connection with Special Case (SC/ST) No. 247 of 2018 (Saharsa) P.S. Case No. 1225 of 2018, registered under Sections 447, 341, 323, 427, 367, 365, 504, 506, 120(B), 302, 201 of the Indian Penal Code and Section (1) (r) (s) of SC /ST Act.

Informant has alleged that on 12.11.2018 his father went to purchase some goods for “chhat pooja” on motorcycle but did not return. Informant suspected that F.I.R. named accused persons including appellant abducted his father and



killed him. There is land dispute going on between the deceased and F.I.R. named person namely Kunal Singh due to construction of boundary on his land and who also threatened to kill him.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case only on suspicion. Appellant is not named in the F.I.R. the name of the appellant has surfaced in this case on the basis of suspicion that he is driver of one of the co-accused named in FIR namely Anil Chaudhary. He has no criminal antecedent and is in custody since 08.12.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.



(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

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