

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1187 of 2019

Arising Out of PS. Case No.-713 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

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ROHIT SAHNI @ ROHIT KUMAR Son of Anil Sahni @ Anil Kumar Sahni
Resident of Village - Lohiya Nagar, Ward No. 9, P.S.- Town, District-
Begusarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-04-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST
(Prevention of Atrocities) Amendment Act, against the refusal
of prayer for bail by order dated 12.02.2019 passed by learned
Special Judge, SC/ST (Prevention of Atrocities Act), Begusaraui
in connection with Town P.S. Case No. 713 of 2018 registered
under Sections 147, 148, 149, 323, 302, 324, 379, 506 of the
Indian Penal Code and Section 27 of the Arms Act and Section
3(i)(R)(S)/3(2)(v-a)SC/ST Act.

Informant has alleged in his written complaint that on
01.12.2018 at about 4.00 PM while he was returning after
attending music class, in the meantime, FIR named accused
including petitioner and some unknown persons stopped him



and started abusing by his caste name and he informed about the incident to his brother Ravi Shankar Kumar and soon thereafter his brother Ravi Shankar Kumar and his neighbour Sonu Kumar and Rohit Ranjan came and tried to pacify them. Thereafter it is alleged that accused persons variously armed with Danda and iron rod and assaulted and grievously injured them. It is further alleged that accused Balram Kumar fired upon him but the fire missed him and the second shot fired by Rahul Srivastava which hit his brother Ravi Shankar Kumar in his chest, as a result of which he fell down and died when being taken to Hospital.

It has been submitted on behalf of the appellant that there is no allegation of firing against him and the allegation of assaulting informant is against all the named accused and the injury suffered is simple in nature. Appellant is in custody since 03.12.2018.

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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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.

(S. Kumar, J)

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