

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.170 of 2019

Arising Out of PS. Case No.-5 Year-1999 Thana- MEHANDIA District- Jehanabad

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Ravindra Sharma @ Ravindra Kumar @ Ravindra Kumar Singh aged about 51 years, (M) Son of Shaligram Sharma @ Hari Sharma Vill-Dhobi Bigha, P.S-Mehandia, Distt.-Arwal

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Srivastava
For the Respondent/s : Mr. Smt Usha Kumari No

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 12-03-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated **31.10.2018** passed by learned **Additional Sessions Judge-1st, Jehanabad**, in connection with **Mehandiya P.S. Case No. 05 of 1999** registered under Sections 147, 148, 149, 302, 307 and 324 of the IPC, Section 3 of SC/ST (Prevention of Atrocities) Act and under Section 27 of the Arms Act.

Informant has alleged that on 25.01.1999 in the night when he along with his brother and father was going and when



they reached near the statue of Bajrangbali in his village 30-40 extremist members of Ranveer Sena armed with rifle and gun came there raising slogans and caught hold of them, however, informant escaped and, thereafter all the extremist surrounded the village and made indiscriminate firing upon the villagers as a result of which nineteen villagers died and several sustained firearm injury and thereafter they fled away.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. He was not present at the place of occurrence. It has been further submitted that similarly placed co-accused persons have been granted bail by co-ordinate Bench of this Court vide order dated 08.04.2016 passed in Cr. Misc. No. 2833 of 2016 and Cr. Misc. No. 3750 of 2016, vide order dated 27.05.2010 passed in Cr. Misc. No. 19079 of 2010 and vide order dated 01.05.2007 passed in Cr. Misc. No. 19267 of 2007. Appellant has got no criminal antecedent and is in custody since 01.08.2018.

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/- 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 the Court and his absence on two consecutive dates without sufficient reason, 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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