

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.97 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- BAGHA District- West Champaran

-
-
1. Hemanti Devi and Anr Wife of Chokati Sahani @ Chokat Chaudhary Resident of Narainapur, Ward No . 5, PS - Bagha Pathkhauli
 2. Kishan Chaudhary @ Kishan Dharikar @ Kripa Dharikar Late Manik Chaudhary @ Manik Dharikar Resident of Narainapur, Ward No. 5, PS- Bagha Pathkhauli

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Zainul Abedin

For the Respondent/s : Mr.Smt Usha Kumari No

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 05-02-2019 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 04.12.2018 passed by learned Additional District & Sessions Judge 1st -cum-Special Judge, Bettiah, West Champaran, in connection with B.P. No. 4325 of 2018 arising out of Bagaha Pathkauli P.S. Case No. 217 of 2018, registered under Sections 323, 307, 379, 427, 506/341 of the Indian Penal Code and read with Section 3(i)(r) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged that he runs a school and on 14.05.2018 at 4.45 PM when he was in the school and noise was



made in the adjacent campus and he saw that FIR named accused are abusing and assaulting his school children.

It has been submitted on behalf of the appellants that they are innocent and there is no specific allegation against them and except their name being included in the FIR there is no specific overt act alleged against them. Similarly placed co-accused, namely, Sahil Kumar @ Mahil Kumar has been granted bail by this Hon'ble Court vide order dated 07.01.2019 passed in Cr. Appeal (SJ) No. 4807 of 2018. Appellants have no criminal antecedent and they are in custody since 22.11.2018

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/-(twenty thousand) each 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) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the appellants 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 appellants.

(S. Kumar, J)

veena/-

U		T	
---	--	---	--

