

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4138 of 2018

Arising Out of PS. Case No.-465 Year-2016 Thana- PHULWARISHARIF District- Patna

Shailendra Kumar, Son of Late Laldeo Sharma, Resident of Village-
Babhanpura, P.S. Phulwarisharif, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 31-01-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of bail dated 10.09.2018 passed by the learned Special Judge, SC/ST, Patna in Special Case No. 115 of 2017 arising out of Phulwarisharif P.S.Case No. 465 of 2016 registered under Section 387 of the Indian penal Code and Sections 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Earlier prayer for bail of the appellant was rejected vide order dated 09.11.2017 passed in Cr. Appeal No. 2313 of 2017. Allegation is of demanding extortion from an M.L.A. as well as hurling abuse by caste name on him.

Submission of learned counsel for the appellant is that



appellant is in custody for two and half years and up till now only one witness has been examined.

Heard learned Spl. P.P also.

Having heard both sides and considering the period of custody, let appellant, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST, Patna in Special Case No. 115 of 2017 arising out of Phulwarisharif P.S.Case No. 465 of 2016; subject to condition that one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned and appellant has to appear before the court below as and when required by it otherwise court below shall have liberty to cancel the bail bond of the appellant.

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

(Vinod Kumar Sinha, J)

sujit/-

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