

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4219 of 2018

Arising Out of PS. Case No.-205 Year-2018 Thana- DHAMDAHA District- Purnia

Ramesh Chandra Raman S/o Late Nevi Yadav, Resident of Village -Bajraha,
P.S.-Dhamdaha, District-Purnea.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Singh, Adv.
For the Informant	:	Mr. Sanjeev Kumar, Adv,
For the Respondent/s	:	Mr.Sri Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 15-02-2019 Heard the parties.

This is an appeal under Section 14 (A) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 26.09.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Purnea, in connection with Special SC/ST Case No. 114 of 2018, arising out of Dhamdaha P.S. Case No. 205 of 2018, registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 3 (2) (v) of Scheduled Caste & Schedule Tribe (Prevention of Atrocities) Act.

Informant who is wife of the deceased has alleged that there is land dispute between the appellant and other F.I.R. named accused persons and earlier they threatened to kill her



family. On 22.07.2018 at about 10:30 A.M. Dewar of the informant came to the house and informed that the husband of the informant is lying near the canal. Thereafter, daughter of the informant went there and by gesture the deceased disclosed that ten persons including appellant have turtled his neck.

It has been submitted on behalf of the appellant that he is innocent and has been implicated in this case due to dirty village politics and old enmity due to land dispute. There is no evidence that the appellant was there at the place of occurrence. Hence, it is not probable that by gesture name of ten persons had been disclosed by the deceased. Similarly placed co-accused have been granted Anticipatory bail by co-ordinate bench of this court vide order dated 04.12.2018 passed in Cr. Appeal (S.J.) No. 3330 of 2018. Appellant has no criminal antecedent and is in custody since 20.08.2018.

Bail petition has been opposed by the counsel for the informant and counsel for the State.

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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