

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4377 of 2018

Arising Out of PS. Case No.-340 Year-2004 Thana- SHEKHPURA District- Sheikhpura

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Pankaj Singh S/o Arun Singh R/o Village-Kurani,P.S. Korma, Distt.-
Sheikhpura

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajit Kumar, Adv.

For the Respondent/s : Mr.Smt Usha Kumari No-1 (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 21-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 24.10.2018 passed by learned 1st Additional District and Sessions Sheikhpura, in connection with SC/ST Case No. 172 of 2017 arising out of Sheikhpura P.S. Case No. 340 of 2004, registered under Sections 341, 323, 448, 34 of the Indian Penal Code, Section 27 of Arms Act and Section 3/4 of SC/ST Act.

Informant has alleged in his fardbeyan that when he was in his house, F.I.R. named accused including appellant came there and asked him to accompany him to his field for harvesting of paddy crop but he refused thereafter they abused



him by caste name and allegation against appellant is that he assaulted on his back by the butt of the gun and when he raised alarm all F.I.R. named accused including appellant fled away.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The incident is of 26.11.2004 and F.I.R. was instituted on 28.11.2004. There is no injury sustained by informant. Cognizance was taken on 12.01.2018 and he was declared absconder. As a matter of fact, he went to Jamshedpur to earn his livelihood.

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)

Rajiv/-

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