

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4460 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- KARJA District- Muzaffarpur

Shiv Chandra Rai @ Bhutali Rai Son of Rajdeo Rai Resident of Village-
Karja Naya Tola, P.S. Karja, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vipin Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 09-01-2019

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 27.09.2018 passed by learned Additional District & Sessions Judge-11th-cum-Special Judge, (SC/ST) Act, Muzaffarpur in Kajra P.S. Case No. 104 of 2018 registered under Sections 341, 323, 324, 326, 307, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Prevention of Atrocities Act.

Informant in his written complaint has stated that his son Raju Ram had gone to petitioner Shiv Chandra Rai for demanding his wages, however, he was found near Karja Mai Asthan and upon demanding wages he started abusing by taking



his caste name and when he protested, his father accused Rajdeo Ram caught hold of his son from behind and thereafter Shiv Chandra Rai assaulted him by means of knife causing injury in his shoulder and back.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case because of ongoing dispute between the parties. The injury sustained by son of informant has been enclosed in the case diary in which two sharp cutting injuries have been found on shoulder and lumbar region which are simple in nature. Appellant has no criminal antecedent and he is in custody since 19.05.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with 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 his absence on two consecutive dates without proper and



sufficient reason the trial court will be at liberty to cancel his bail bond.

(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)

veena/-

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

