

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4444 of 2018

Arising Out of PS. Case No.-447 Year-2017 Thana- NATHNAGAR District- Bhagalpur

Purushottam Singh @ Purushottam Rajhans Son of Rajeev Rajhans @ Rajeev Raj Singh, resident of Mohalla- Nasrathkhani, P.S.- Lalmatia, District- Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Jha, Adv.

For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 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, 1989 against the refusal of prayer for bail by order dated 12.09.2018 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST Act), Bhagalpur, in connection with S.T. No. 565 of 2018 corresponding to Nathnagar (Lalmatia) P.S. Case No. 447 of 2017, registered under Sections 341, 323, 307/34 of the Indian Penal Code, Section 302 of the I.P.C. later on added and Section 3 (i) (r) 3(2) (va) & 3(2) (v) of SC /ST Act.

Informant is the son of deceased, who in his written complaint has stated that when he and his father had gone for morning walk then F.I.R. named accused including appellant assaulted him and when his father came to pacify them they also tossed his father and assaulted on



his head as a result of which he became grievously injured and was taken to hospital where he died on the next day.

It has been submitted on behalf of the appellant that there is general and omnibus allegations against all the F.I.R. named accused and there is no specific allegation against appellant. It has been submitted that appellant himself is suffering from mental disease in support of which Annexure-2 series have been enclosed along with this petition. In the post mortem report one lacerated wound have been found on the left side of forehead which was found to be bone deep. Appellant is in custody since 21.08.2017.

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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