

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4637 of 2018

Arising Out of PS. Case No.-123 Year-2017 Thana- TEGHRHA District- Begusarai

Gautam Kumar Son of Arun Singh Resident of Village-Madhurapur Bichla
Tola, Police Station Teghra, Distt.-Begusarai

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Shanker Prasad

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 04-02-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 05.10.2018 passed by learned Special Judge, Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, Begusarai in Teghra P.S. Case No. 123 of 2017 registered under Sections 147, 148, 149, 323, 447, 307, 302, 386, 504, 506, 341, 114/34 of the Indian Penal Code, Section 27 of Arms Act and Section (3)(2)(V) of Schedule Cast and Schedule Tribe (Prevention of Atrocities) Act.

Informant has alleged that due to some dispute with respect to municipal tax at the barrier, FIR named accused Deepak Singh, Venkatesh Kumar and Pinkesh who are the licensee for collection of tax and other FIR named accused



came at his residence and threatened that they will come on the next day and all FIR named accused came and allegation against FIR named accused Venkatesh Kumar and Gaurav Kumar is of abusing and at the instigation of Deepak Kumar, Venkatesh Kumar, Gautam Kumar and Rahul Singh fired indiscriminately as a consequence of one of his co-villager Ramchandra Das died and informant received injury in his right thigh.

It has been submitted on behalf of the appellant that there is no specific allegation against appellant, except being named in the FIR of any specific overt act. Appellant is in custody since 14.09.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 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 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.

(S. Kumar, J)

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