

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4720 of 2018

Arising Out of PS. Case No.-288 Year-2018 Thana- PATNA CITY CHOWK District- Patna

Suraj Gope @ Suraj Kumar S/o Paras Gope, R/o Vill.- Mangal Talab , P.S.-
Chowk, District- Patna.

... .. Appellant/s

Versus

1. State Of Bihar and Anr
2. Satendra Paswan S/o Deven Paswan, R/o Chouk Shikarpur, O.P., P.S.-
Chowk, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 23-01-2019 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 22.11.2018 passed by learned Additional District and Sessions Judge-IV-cum Special Judge, SC/ST, Patna, in connection with Special Case No. 394 of 2018 arising out of Chouk P.S. Case No. 288 of 2018, registered under Sections 353, 504, 506 of the Indian Penal Code, and Section 3(1)(x) SC/ST Act.

Informant is a Assistant Sub-Inspector of police, who in his written complaint addressed to Officer-in-charge of Police has stated that on 25.07.2018 at about 6:45 P.M. a raid was conducted in the house of appellant however he was successful in skipping and after 15minutes he called on his mobile and abused and threatened him that he will kill him and



also kill each and every staff of police station, he also abused him by his caste name.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case by high handedness of police. He 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 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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