

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4761 of 2018

Arising Out of PS. Case No.-599 Year-2017 Thana- RAJAON District- Banka

Arvind Singh Megh Narayan Singh Resident of village- Birhiya, Police
Station- Rajoun, District- Banka

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 25-01-2019 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 01.10.2018 passed by the learned Addl. Sessions Judge 1st, Banka in connection with Rajoun P.S. Case No.599 of 2017 registered under Sections 302, 328, 201 and 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The FIR was lodged after recovery of dead body of son of the informant on suspicion that appellant poisoned the victim to death and other disposed of the dead body.

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



has further been submitted that the deceased himself had consumed poison due to family dispute with his parents but after recovery of dead body of the deceased, a concocted story has been planted as the informant had taken huge loan from the appellant for marriage of his daughter. Similarly placed co-accused, Manoj Singh has already been granted bail vide order dated 11.12.2018 passed in Criminal Appeal (SJ) No.4303 of 2018. Appellant has no criminal antecedent and 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/- 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 the Court and his absence on two consecutive dates without sufficient reason, 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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