

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.78 of 2019

Arising Out of PS. Case No.-219 Year-2015 Thana- UDWANTNAGAR District- Bhojpur

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Bhola Choudhary, son of Tuna Choudhary, resident of village- Anaith, P.S.
Ara Nawada, District- Bhojpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Maya Shankar Mishra

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-01-2019 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 22.11.2018 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 248 of 2017 arising out of Udwantnagar P.S. Case No. 219 of 2015 registered under Sections 364, 302, 201/34 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST Act.

It has been alleged by the informant that the FIR named accused with 3-4 unknown accused have killed his nephew and thrown the dead body near the canal.

It has been submitted on behalf of the appellant that



appellant is not named in the FIR. His name has surfaced in this case on the basis of confessional statement made by co-accused. It has been further submitted that similarly placed co-accused, namely, Raju Choudhary and Vijay Singh @ Chhotu Singh have been granted bail as contained in Annexure-2 series. Appellant has no criminal antecedent and he is in custody since 13.06.2018.

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)

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