

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4808 of 2018

Arising Out of PS. Case No.-447 Year-2018 Thana- TRIVENIGANJ District- Supaul

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Santosh Kumar Gupta, Son of Sita Ram Gupta, Resident of Village-
Kupariya, P.S. Triveniganj, District- Supaul.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-01-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 10.12.2018 passed by the Additional District & Sessions Judge-IIInd-cum-Special Judge, Supaul in connection with S.T/Excise Case No.817 of 2018 arising out of Triveniganj P.S. Case No.447 of 2018 registered under Sections 307, 353 and 379 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that appellant in inebriated and intoxicated condition abused him by name of his caste and also pressed his neck and assaulted one Binod Kumar as a result of



which he suffered fractured injury. Thereafter, Binod Yadav and the informant got treated themselves in Referral Hospital, Triveniganj and the present case was instituted on the written complaint of the informant Chaukidar.

It has been submitted on behalf of the appellant that he has been falsely implicated in this case and no injury was caused to anyone and as such this fact has not been taken note while rejecting the bail application by the Sessions Court. It has further been submitted on behalf of the appellant that Binod Yadav had not suffered any fractured injury as alleged and the allegation is false and concocted. Appellant has no criminal antecedent and he is in custody since 13.11.2018.

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)

Sanjay/-

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