

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3935 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- SONBERSA District- Sitamarhi

1. Shambhu Kumar Son of Ram Kewal Rai Resident of Village-Narkatiya, P.S.-Sonbarsa, District-Sitamarhi.
2. Ram Kewal Rai Son of Late Ram Chandra Rai Resident of Village-Narkatiya, P.S.-Sonbarsa, District-Sitamarhi.

... Appellants

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellants : Mr.Dinesh Jha, Advocate

For the Respondent : Mr.Usha Kumari 1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the parties and perused the case diary.

Appellants apprehend their arrest in a case registered for the offence under sections 341, 323, 307, 379, 504/34 of the Indian Penal Code read with section 3(i)(r)(s) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

It is submitted on behalf of the appellants that the appellants have falsely been implicated in this case as no such occurrence has taken place. Further, the allegation is general and omnibus against all the accused persons including the appellants. There is case and counter case and there is subsisting land dispute between the parties. Appellants have no criminal antecedent.

Learned counsel appearing for the State opposes the prayer for bail to the appellants.

Considering the facts and circumstances of the case discussed above, let both the appellants mentioned above surrender within a period of six weeks and on surrender they



will be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1, cum Special Judge, Sitamarhi (SC/ST Act) in Sonbarsa Police Station Case No. 140/2019, on the following conditions:-

(1) Appellants 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the Appellants temper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

The criminal appeal is allowed and the impugned order dated 19.8.2019, passed by the Additional Sessions Judge 1, cum Special Judge, Sitamarhi (SC/ST Act) in Sonbarsa Police Station Case No. 140/2019, is set aside.

(Prabhat Kumar Singh, J)

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