

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4425 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- BAKHARI District- Begusarai

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1. Vikash Goshwami Son of Parmanand Goshwami
 2. Chandan Giri Son of Dewnarayan Giri Both Resident of Village- Parihara, Police Station- Bakhari, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-01-2019 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 11.10.2018 passed by learned Additional Sessions Judge cum Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Begusarai in Bakhari P.S. Case No. 239 of 2017 registered under Sections 348, 341, 323, 324, 354, 504/34 of the Indian Penal Code read with Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

Informant has alleged that while she was sitting in her house alongwith other family members then her child Manish came weeping and told that son of Arvind Goswami has beaten



him and on making said complaint FIR named accused including appellants started abusing informant by caste name and entered in the house and outraged the modesty of her sister in law and assaulted and took away golden chain from her, however, when the villagers assembled there they fled away.

It has been submitted on behalf of the appellants that they are innocent and has been falsely implicated in this case. They are co-villagers and allegation against them is only of abusing informant by her caste name. Appellants have no criminal antecedent and they are in custody since 11.10.2018.

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) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the appellants 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 appellants.

Accordingly, the impugned order is set aside and
this appeal stands allowed.

(S. Kumar, J)

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