

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.89 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- NASRIGANJ District- Rohtas

Nand Jee Singh @ Nandji Singh Son of Keshav Singh Resident of Village -
Chhapara, P.S.- Rajpur, District - Rohtas

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Chaudhary, Adv & Mr. Prakash Kumar, Adv
For the Respondent/s	:	Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 29-01-2019 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 **06.12.2018** passed by learned **Additional District Judge-I-cum-Special Court, POCSO, Rohtas at Sasaram**, in connection with **Case No. 137 of 2018 arising out of Nasriganj (Rajpur) P.S. Case No. 87 of 2018** registered under Sections 147, 148, 149, 341, 323 and 307 of the IPC, Section 27 of the Arms Act and Section 3(1)(F) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged of causing firearm injury by the Appellant on her husband which hit his chest.



It has been submitted on behalf of the appellant that the reason for assault is land dispute between the parties. It has been submitted by learned counsel for the appellant that there is unexplained delay of about 8 days in instituting the FIR. There is no mention of any injury report in the order as impugned. There is no injury report from Rajpur Health Center where victim was initially treated. Appellant has got no criminal antecedent and is in custody since 26.11.2018.

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)

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