

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4159 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- KOCHAS District- Rohtas

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Doma Ram, Son of Kangalu Ram, Resident of Village- Ram Kekai, P.S.- Shiv Sagar, District- Rohtas (Sasaram).

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Chhote Lal Mishra
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 04-01-2019 As prayed, learned counsel for the appellant is permitted to make necessary correction in paragraph no.13 in the petition.

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 13.09.2018 passed by the Additional Sessions Judge-1, Rohtas (Sasaram) in connection with Regd. Case No.62/18 arising out of Kochas P.S. Case No.35/18 registered under Sections 302, 201 of the Indian Penal Code and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that



his brother Ramayan Prasad after receiving call on his mobile left the house stating that he will be returning back till evening. However, he did not return and, thereafter, his dead body with head severed was found near a pond.

It has been submitted that F.I.R. is against unknown and name of the appellant has surfaced in this case during the investigation on the basis of statement made by wife of the deceased and except suspicion, there is nothing against the appellant. It has further been submitted that similarly placed co-accused Vinod Ram has already been granted bail by a co-ordinate Bench of this Court vide order dated 21.12.2018 passed in Cr. Misc. No.4254 of 2018 and another similarly placed has been granted bail as contained in Annexure 2. Petitioner has no criminal antecedent and he is in custody since 28.08.2018.

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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