

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4450 of 2018

Arising Out of PS. Case No.-447 Year-2017 Thana- NATHNAGAR District- Bhagalpur

Mithilesh Singh Son of late Anand Bihari@Anand Bihari Singh Resident of
Mohalla- Nasrathkhani, P.S. Lalmatia, District- Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 22-01-2019 As prayed, learned counsel for the appellant is permitted to correct the period of custody as 23.08.2017 which has been wrongly recorded in paragraph no.(ix) of the petition as 23.08.2018 in course of the day.

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 10.07.2018 passed by the 3rd Addl. Sessions Judge -cum- Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar (Lalmatia) P.S. Case No.447/2017 registered under Sections 341, 323, 307/34 of the Indian Penal Code and later on Section 302 of the I.P.C. was also added and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Informant is the son of the deceased, who in his written complaint has stated that when he and his father had gone for morning walk the F.I.R. named accused including the appellant started assaulting him and when his father came to pacify them, they also tossed his father and assaulted on his head as a result of which, he became grievously injured and was taken to hospital where he died on the next day.

It has been submitted on behalf of the appellant that there is general and omnibus allegations against all the F.I.R. named accused and there is no specific allegation against appellant. In the postmortem report, one lacerated wound had been found on the left side of forehead which was found to be bone deep. Appellant has no criminal antecedent and he is in custody since 23.08.2017. Similarly placed co-accused Purushottam Singh has already been granted bail by this Court vide order dated 21.01.2019 passed in Criminal Appeal (S.J.) No.4444 of 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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