

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4590 of 2018

Arising Out of PS. Case No.-177 Year-2018 Thana- SIKANDRA District- Jamui

Niru Kewat Son of Ram Khelawan Kewat, Resident of Village- Baladih, P.S.-
Sikandra, District- Jamui.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Mahto

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 28-01-2019 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 06.10.2018 passed by the learned Additional District & Sessions Judge, 1st, Jamui in connection with S.C./S.T. 115/2018 arising out of Sikandra P.S. Case No.177/2018 registered under Sections 341, 376, 511, 307, 504 of the Indian Penal Code, Section 3(I)(IV)(I)(II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 25(1-b)A, 26 and 27 of the Arms Act.

Informant has alleged that on 02.08.2018 at 11 p.m., when she was sleeping in her house suddenly Niru Kewat



-appellant came and asked to open the door and when Chaurashi Devi opened the door she was assaulted and she fell down and, thereafter, petitioner tried to commit rape with her and on her raising alarm, Gautam Manjhi came and tried to pacify the matter, but, Niru Kewat (appellant) fired which hit right hand of the Gautam Manjhi. Thereafter, the appellant was apprehended by the villagers and handed over the police.

Injury report was called for and from perusal of the injury report, it appears that the injured has suffered injury in his right hand which has been found to be abrasion and injury is simple in nature. Appellant has no criminal antecedent and he is in custody since 06.08.2018.

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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