

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4621 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

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1. Nagendra Kumar Singh S/o Bajrangi Singh
 2. Harendra Singh Son of Shiv Nath Singh All Resident of Village-Pothi Baraw (Baraon) P.S.-Sasaram (Mufasil), District-Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Singh, Adv
For the State : Mr. Binay Krishna
For the Informant : Mr. Dharendra Kumar Paswan, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-01-2019 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 16.11.2018 passed by Special Judge, SC/ST Act cum 1st Additional Sessions Judge, Rohtas at Sasaram, in registered case (SC/ST Special) No. 255 of 2018 arising out of Sasaram (Muffasil) P.S. Case No. 130 of 2018 registered under Sections 376(D), 302, 201/34 of the Indian Penal Code read with Section 3(ii)(V) of the SC/ST Act.

Allegation against appellants is of committing murder of daughter of informant after committing rape.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case only on the basis of suspicion. There is no eye witness of the occurrence. Commission of rape has been denied in post



mortem report. FIR was instituted after cremation of victim
Appellant is in custody since 30.08.2018.

Learned Counsel for the informant has vehemently
opposed the prayer for grant of regular bail to the appellant.

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

(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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