

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4530 of 2018

Arising Out of PS. Case No.-156 Year-2018 Thana- RANIGANJ District- Araria

Manoj Tatma S/o Jagdish Tatma Resident of Village-Barhara Ward No. 16
P.S. Raniganj District Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Prasad Singh, Advocate
For the Respondent/s : Mr. Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 02-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 31.10.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special (SC/ST) Case No. 96 of 2018 corresponding to Raniganj P.S. Case No. 156 of 2018 registered under Sections 147, 148, 341, 323, 379, 354B, 307, 504 of the Indian Penal Code read with Section 3(i)(R) of the S.C./S.T. (Prevention of Atrocities) Act.

Informant has alleged that while he was constructing his house over the land which is recorded in the name of his father, F.I.R. named accused variously armed came and stopped him from constructing the said house and allegation against appellant Manoj Tatma is causing injury on the head of



informant by farsa.

It has been submitted that there is land dispute between the parties and the nature of injury is simple and he has no criminal antecedent and is in custody since 25.10.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each 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 Court and his absence on two consecutive dates without sufficient reasons, 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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