

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4627 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Bhojpur

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Lal Mohar Singh Son of Sri Bideshi Singh Resident of Village-Bimawa Ke
Dera, P.S.-Jagdishpur, District-Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Chandra Bhushan Singh, Advocate
For the Respondent/s : Mr.Smt Usha Kumari No-1(APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of SC & ST
(Prevention of Atrocities Act, 1989 against the refusal of prayer
for bail by order dated 06.11.2018 passed by learned
Additional District and Sessions Judge 1st, Ara, in connection
with Jagdishpur P.S. Case No. 314 of 2018 (SC/ST Case No.
195 of 2018) registered under Sections 147, 148, 149, 341, 323,
324, 186, 307, 337, 338, 353, 354, 332, 427, 120(B), 504, 151
of the Indian Penal Code and Sections 3 Public Properties
Damage Act and Section i (R) i (s) of the SC /ST Act.

The appellant was identified in the mob as one who
were forcibly preventing the police to take into custody four
thieves who were caught by the mob and were being thrashed
mob also injured four police personnels and damaged the police
vehicle.



It has been submitted that the appellant has been falsely implicated in this case due to high handedness of the police. Allegation against appellant is general and omnibus in nature and there is nothing specific against him. Appellant has no criminal antecedent and is in custody 23.08.2018.

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/- (twenty thousand) 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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