

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4658 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- AMARPUR District- Banka

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Bambam Chaturvedi @ Bambam Choubey @ Choubey son of Dilip Chaturvedi, Resident of Village- Amarpur, Police Station- Amarpur, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Praveen Kumar, Advocate

For the Respondent/s : Mr.Smt Usha Kumari No-1 (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 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, against the refusal of prayer for bail by order dated 26.11.2018 passed by learned Additional Sessions Judge-1, Banka-cum-Special Judge S.C./S.T Act, in connection with Amarpur P.S. Case No. 65 of 2017 corresponding to G.R. No. 781 of 2017, registered under Sections 302, 147, 148, 149 of the Indian Penal Code and under Sections 3(2)(v) S.C./S.T. Act.

Informant has alleged that her husband had gone to Amarpur Bus stand for loading the coal and after sometime she was informed that he has been apprehended for committing theft



in coal depot and thereafter was brought to police station and on seeing his injured condition he was referred to hospital where he died. She has alleged that her husband was brutally assaulted by other labourers working in the coal depot including appellant as a result of which he died.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on basis of suspicion only. Petitioner has no criminal antecedent and is in custody since 19.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants 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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