

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.74 of 2019

Arising Out of PS. Case No.-244 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Lalji Pasi, son of Ram Lalan Pasi @ Lalan @ Lalan Pasi, resident of village,
Rangpur, P.S. Sasaram (Darigaon), District, Rohtas

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhinay Raj

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 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 01.10.2018 passed by the learned Additional Sessions Judge-I-cum-Special Court, Rohtas at Sasaram in connection with Sasaram (Darigaon) P.S. Case No.244 of 2017 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act, Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 20 of U.A.P.A. Act.

Informant who is father of the deceased has alleged that on 01.03.2017 at about 7.30 p.m., Naxali Anil Kushwaha, Lalji Pasi (appellant), Pramod Tiwari @ Naga, Ram Pervesh



Kushwaha Marul Pasi Babloo Kushwaha and 2-3 unknown Naxali came in his village and called his son from his house and near the house of Began Singh, accused Anil Kushwaha in presence of other accused fired from his gun on his right chest as a result of which, his son fell down and died on the spot.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case. It has further been submitted on behalf of the appellant that there is no specific allegation of any overt act against the appellant rather the allegation is false and omnibus. Appellant is in custody since 02.04.2018 (wrongly given as 18.09.2018 in impugned order).

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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