

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4435 of 2018**

Arising Out of PS. Case No.-161 Year-2018 Thana- ARIYARI District- Sheikhpura *

1. Virendra Chauhan Son of Suresh Chauhan @ Petu Chauhan Village- Laxmipur, PS-Ariyari, District- Sheikhpura
2. Suresh Chauhan @ Petu Chauhan Son of Dahan Chauhan Resident of Village- Laxmipur, Police Station Ariyari, District- Sheikhpura

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 11-03-2019 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 **26.10.2018** passed by learned **1st Additional District and Sessions Judge, Sheikhpura** in connection with **SC/ST Case No. 123 of 2018 arising out of Ariyari (Kassar) P.S. Case No. 161 of 2018**, registered under Sections 341, 323, 324, 307, 504, 506 and 34 of the IPC and Section 3 (ii) (va) 3 (R) (S) W (ii) of SC/ST (Prevention of Atrocities) Act and later on Section 302 of the IPC was added.

Informant has alleged that on 08.09.2018 in the evening



when informant along with family members were having their meal, FIR named accused Ghanshyam Chauhan, Virendra Chauhan and Suresh Chauhan @ Petu Chauhan entered into her house and there is allegation against Ghanshyam Chauhan of stabbing in the abdomen of her father-in-law as a result of which he sustained grievous injury and subsequently died during treatment. It has been further alleged that appellant Virendra Chauhan and Suresh Chauhan had *lathi* in their hand assaulted her son and brother-in-law. However, in the injury report of her son the injury was found to be simple in nature and no injury report has been enclosed with respect to informant Sanju Devi.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case due to ulterior motive. There is no specific allegation of assaulting the deceased on appellants. Specific allegation is against Ghanshyam Chauhan of assaulting the deceased. Appellants have got no criminal antecedent and are in custody since 10.09.2018.

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/- 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) Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.
- (3) If the Appellants tamper 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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