

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4545 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- NAUHATTA District- Saharsa

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Boua Choudhary, son of Late Maran Choudhary, resident of village- Chautara
Muradpur, P.S. - Nauhatta, District- Saharsa.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Mishra, Advocate

For the Respondent/s : Mr.Binay Krishna (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) (2) of SC & ST (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail by order dated 26.10.2018 passed in Bail Application No. 845 of 2018 by learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa, in connection with Nauhatta P.S. Case No. 02 of 2018, registered under Sections 341, 323, 302 and 34 of the Indian Penal Code and Sections 3(1) (r)(s)3(2)(wa) of SC /ST (Prevention of Atrocities) Act.

It is alleged in the written report that son of the informant had gone to work in the field of appellant but he did not return till evening. At about 7-8 P.M., she got information that the appellant along with co-accused has assaulted her son.



Raghuni Sada brought her son to her house. Blood was oozing from his nose, ear and injury was found on the chest. Raghuni Sada told her about the occurrence and assault caused by F.I.R. named accused persons. Son of the informant died in the night without disclosing anything about the occurrence.

It has been submitted that the appellant has been falsely implicated in this case. There is no eye-witness of the occurrence. Raghuni Sada had told the informant about the occurrence. Appellant has no criminal antecedent and is in custody 01.01.2018. Similarly placed co-accused has been granted bail by co-ordinate bench of this court as contained in Annexure - 4.

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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