

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4807 of 2018

Arising Out of PS. Case No.-217 Year-2018 Thana- BAGHA District- West Champaran

Sahil Kumar @ Mahil Kumar son of Vargish Singh, resident of village- Osho Ashram Road Narainapur Bagaha-2, Police Station- Bagaha, District- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-01-2019 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 03.12.2018 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge, Bettiah, District- West Champaran in connection with Bagaha Patkhauri P.S. Case No.217 of 2018 registered under Sections 341, 323, 307, 379, 427 and 506/34 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There is general omnibus allegation against the appellant and others to have assaulted the children of the



school of the informant for the reason that the appellant and other were asking not to play in the field. Further allegation is commission of theft of cash also.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. It has further been submitted that there is no specific allegation of any overt act against the appellant causing any injury to anyone. Appellant has no criminal antecedent and he is in custody since 26.10.2018. Similarly placed co-accused Adarsh Kumar @Adarsh and Panpati @ Panmati Devi have already been granted bail by co-ordinate Bench of this Court vide order dated 12.09.2018 and 20.12.2018 passed in Cr. App.(SJ) Nos.3214 of 2018 and 4405 of 2018 respectively.

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)

Sanjay/-

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