

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No. 226 of 2020**

**Along with**  
**Interlocutory Application No. 01 of 2020**

Arising Out of PS Case No.-237 Year-2019 Thana- BUXAR District- Buxar

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Amit Kumar Srivastava @ Amit Kumar Sriwastva, Male, aged about 20 years, Son of Ranjan Kumar Srivastava, Resident of Village - Nai Bazar, Ward No.- 4, P.S.- Buxar (Town) District - Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.

For the Respondent/s : Mr. Binay Krishna, Special PP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 01-06-2020**

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. The Court Master has informed that on the telephone number of Mr. Manoj Kumar, learned counsel for the appellant, as disclosed in the petition, incoming call facility is barred and, thus, he could not be contacted resulting in the link to join the present proceeding not being forwarded to him. Under the circumstances, the Court has been assisted by Mr. Binay Krishna, learned Special PP.



3. Interlocutory Application No.01 of 2020 has been filed on behalf of the appellant for condonation of delay of 41 days in filing of the appeal. Having considered the grounds taken in the Interlocutory Application, the Court finds that sufficient cause has been shown for such delay. Accordingly, the delay in filing of the appeal stands condoned and Interlocutory Application No. 01 of 2020 stands disposed off.

4. The appellant is in custody in connection with SC/ST Case No. 27 of 2019 arising out of Buxar (Town) PS Case No. 237 of 2019 dated 15.03.2019 instituted under Sections 147, 148, 149 and 302 of the Indian Penal Code; 27 of the Arms Act and 3(2)v of the SC/ST Act.

5. The allegation against the appellant is that he, along with eight others, who have been named, had abused the deceased and co-accused Chhedi Yadav is said to have fired on the deceased resulting in his death. It transpires from the record that the appellant is in custody since 01.07.2019.

6. Learned Special PP submitted that the appellant has criminal antecedent of six other cases. However, on a direct query of the Court as to whether in the present case, besides there being omnibus allegation of having abused the deceased along with eight other persons, there was any other allegation against the



appellant, learned Special PP submitted that there is no such allegation.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the appellant be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Buxar in SC/ST Case No. 27 of 2019 arising out of Buxar (Town) PS Case No. 237 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the appellant, (ii) that the appellant and the bailors shall execute bond with regard to good behaviour of the appellant, and (iii) that the appellant shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The appellant shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. The application stands disposed off in the  
aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P.Kumar/Anand Kr.

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