

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.382 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

1. RAJ BAHADUR SINGH @ RAM BAHADUR SINGH Son of Late Santa Singh
2. Raktu Kharwar Son of Late Mahangu Kharwar
Both Resident of Village - Pipriya, P.S.- Chand, Distt - Kaimur at Bhabua.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dharmendra Kumar Singh, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 24-02-2020 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 the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Kaimur at Bhabua, in connection with Chand Police Station Case No.98 of 2019, registered under Section 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Prosecution case, in short, is that in mid night having heard alarm raised by the son of the informant, namely,



Ram Ashish Ram, who was sleeping in front of his house, the informant went to his son and noticed bleeding injury in his stomach and also saw the accused persons including the appellants fleeing away. His injured son named the accused persons including the appellants who inflicted the said injury by stabbing. The injured was taken to the hospital, where the doctor declared him to be dead.

It has been submitted on behalf of the appellants that the appellants are in custody since 08.01.2020. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the appellants. The appellants are alleged to have been seen running away from the place of occurrence. No weapon is alleged to be in possession of the appellants. Neither any specific allegation is made nor any specific overt act is alleged. General and omnibus allegation has been made.

On behalf of the State, it is submitted that the appellants are named in the FIR.

Considering the aforesaid facts, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below



where the case is pending in connection with the aforesaid case, with condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

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