

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.654 of 2020

Arising Out of PS. Case No.-554 Year-2019 Thana- HAJIPUR District- Vaishali

PRASHANT KUMAR SAH @ PRASHANT KUMAR, S/o Lochan Sah @
Lochan Badi, Resident of Village - Shui Padar, Bamandagarh, P.S. -
Kuchinda, Distt. - Sabalpur (Odisha)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Prabhat, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-02-2020

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 21.12.2019 in Hajipur Town P.S. Case No. 554 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with the aforesaid case registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(i)(r)(s) of the SC/ST Act.

The assailants of the brother of the informant by causing firearm injury are co-accused Rakesh Das and Umesh Das. Though appellant is named as co-accused, however, no overt act is alleged against the appellant.

Submission is that similarly situated co-accused Bateshwar Das



has already been allowed bail by a Coordinate Bench of this Court vide order dated 15.10.2019 passed in Cr. Appeal (SJ) No. 4255 of 2019 (Annexure-2/2). Appellant is in custody since 13.06.2019. Investigation of the case is already complete against the appellant.

Considering the entire facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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, subject to the following conditions:-

(a) The appellant 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 appellant.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellant shall not leave the country without permission of the learned trial court.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.02.2020
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