

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1297 of 2020

Arising Out of PS. Case No.-933 Year-2019 Thana- MADHEPURA District- Madhepura

AJIT KUMAR @ TINKU KUMAR @ TINKU S/o Yogi Yadav @ Yogendra
Yadav R/o village- Sakhua, P.S.- Madhepura, District- Madhepura

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant : Mr.Uday Chand Prasad, Advocate
For the Respondent : Mr.Binay Krishna, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-06-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the parties.

The appellant has challenged impugned order dated
18.12.2019, passed by the Court below in a case filed for
offence punishable under sections 307, 302 and other allied
sections of the Indian Penal Code read with section 3(i) of the
SC/ST Act.

It is submitted by learned counsel for the appellant
that the appellant has falsely been implicated in this case. He
submits that in paragraph 40 of the case diary, the injured
Chhotu Sada has not taken his name, though he has named co-
accused Manoj Yadav and Lalan Yadav from whom altercation



had taken place and when they were returning in the way co-accused Vijay Kumar, Sintu Kumar and Lalan Yadav assaulted them. Thereafter, co-accused Vijay Sada fired upon them in which he, Uday Sada and Vijay Kumar received injury. In paragraph 49 of the case diary, injured Uday Sada has also not taken the name of the appellant. He stated that there was altercation with Manoj, Lalan and others in Orchestra and in the way near the house of Basudeo 8-10 persons came from Machan and assaulted them and Vijay made shot fire, two another persons also made firing but he did not identify them. Appellant is having no criminal antecedent and is in custody since 6.11.2019.

Taking into consideration the facts and circumstances of the case, the impugned order dated 18.12.2019 is set aside and the appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I cum Special Judge, Madhepura in SC/ST (CIS) No. 238/2019/Madhepura Police Station Case No. 933/2019, on the following conditions:-

(1) 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 on his absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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