

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5164 of 2019

Arising Out of PS. Case No.-82 Year-2019 Thana- BAIRIYA District- West Champaran

1. SANDEEP SINGH, S/o Sri Bijendra Singh R/o- Naya Tola Bariya Tand, P.S.- Bairiya, Distt.- Bettiah, West Champaran
2. Sushant Singh, S/o Sri Bijendra Singh R/o- Naya Tola Bariya Tand, P.S.- Bairiya, Distt.- Bettiah, West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Shekhar Singh, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-02-2020 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 vide order dated 30.07.2019 passed by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Bettiah, West Champaran in Bairiya P.S. Case No. 82 of 2019 registered under Sections 147, 148, 149, 447, 341, 323, 324, 307 and 302 of the Indian Penal Code and Sections 3(i)(r)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., seven persons variously armed committed assault against the father of the informant. Head



injury was cause of death. Doctor has found two wounds on the head caused by hard and blunt substance. Allegation against the appellant Sushant Singh is that he was carrying a dagger whereas others were carrying lathi.

Learned counsel for the appellants submits that it is difficult to attribute as to which accused, out of seven named in the F.I.R., had caused the referred two injuries at the head. Appellants are in custody since 09.03.2019. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail and informed that trial is going on.

Considering the facts of the case, let the appellants, above named, be released on bail, on furnishing bail bonds 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 following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) 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.



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

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

(Birendra Kumar, J)

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