

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5162 of 2019**

Arising Out of PS. Case No.-48 Year-2019 Thana- BHORE District- Gopalganj

PREM SAGAR RAJBHAR, Son of Laljee Rajbhar, Resident of Village -  
Bhagwanpur, P.S.- Bhorey, Distt.- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Ajay Mishra, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP.

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

ORAL ORDER

4      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 24.05.2019 passed by the learned 1<sup>st</sup> Addl. Sessions Judge, Gopalganj in Bhore P.S. Case No. 48 of 2019 registered under Section 302/34 of the Indian Penal Code and Sections 3(i) (r), 3(i)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is general and omnibus allegation against three F.I.R. named accused persons to have committed assault against the husband of the informant, as a result whereof, husband of



the informant died. Other two accused are wife and son of the appellant. Police Investigation would reveal that since wife of this appellant was in extra marital relationship with the deceased, appellant and his son felt humiliated and under conspiracy murder was committed wherein the appellant had given a blow at the head of the deceased.

Submission is that there is no eye witness of the occurrence. Concocted allegation is there after death of the victim. The appellant has got no criminal antecedent. Investigation of the case is already complete.

Considering the aforesaid facts, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (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, with following conditions:

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

(b) 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.

(c) The appellant 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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