

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5230 of 2019

Arising Out of PS. Case No.-715 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

RAKESH PANDEY @ VISHAL PANDEY S/o Ram Dular Pandey R/o
village- Baghini, P.S.- Mohania, District- Kaimur at Bhabua

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey, Advocate.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 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 14.11.2019 passed by the learned 1st Addl. Sessions Judge cum Special Judge, Kaimur at Bhabua in SC/ST Reg. No. 3 of 2019, arising out of Mohania P.S. Case No. 715 of 2018 registered under Sections 302, 307, 324, 326/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that prayer for bail to the appellant was earlier refused on 13.08.2019 in Cr. Appeal (SJ) No. 1644 of 2019 with liberty to the appellant to renew prayer for bail after framing of charge. Charges have already been framed. Appellant is in custody since 05.01.2019.



Allegation is that 9-10 persons including the appellant resorted to firing causing death to two persons.

Submission is that allegation is not specific. In fact, there is no eye witness of the actual occurrence.

Considering the facts aforesaid, 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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