

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2913 of 2021

Arising Out of PS. Case No.-302 Year-2020 Thana- SURSAND District- Sitamarhi

PREM SHANKAR THAKUR S/O SHRI RAMCHANDRA THAKUR R/o
village- Radhaur, P.S.- Sursand, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pravin Kumar
For the Informant	:	Mr. Dinesh Jha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 13.04.2021 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Sursand P.S. Case No. 302 of 2020 under Sections 341, 323, 504, 506, 427, 379, 307, 34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Earlier the bail application of the appellant was rejected vide order dated 29.01.2021 with an observation that



this appeal is dismissed for the present.

It is submitted on behalf of the appellant that appellant is order giver and injury caused by this appellant is simple. He is in custody since 30.09.2020 and remained in custody approximately for one year. Chargesheet has already been submitted.

Counsel for the informant vehemently opposed the prayer for bail of the appellant.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 13.04.2021 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi is set aside.

Let the appellant above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Sursand P.S. Case No. 302 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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