

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2029 of 2020

Arising Out of PS. Case No.-55 Year-2020 Thana- RIVILGANJ District- Saran

1. VIJAY SINGH @ VIJAY KUMAR SINGH S/o Late Madhuban Singh Resident of Nyka Loha Tola, P.S.- Rivilganj, District- Saran.
2. VIKASH SINGH @ VIKASH KUMAR SINGH S/o Vijay Singh Resident of Nyka Loha Tola, P.S.- Rivilganj, District- Saran.
3. SONU SINGH @ JAI PRAKASH SINGH S/o Vijay Singh Resident of Nyka Loha Tola, P.S.- Rivilganj, District- Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anurag Saurav, Adv.
For the Respondent/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-03-2021 It is submitted by learned counsel for the appellants that during pendency of this case, appellant nos. 2 and 3 have already been arrested, as such, he wants to withdraw this appeal so far as appellant nos. 2 and 3 are concerned.

Accordingly, this appeal is dismissed as withdrawn against appellant nos. 2 and 3.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 18.09.2020 passed by learned Additional Sessions Judge-1st, Saran, in A.B.A. No. 1864 of 2020 in connection with Rivilganj P.S. Case No. 55 of 2020,



registered under Sections 341, 323, 379, 354(B), 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(w) of SC/ST (Amendment) Act, 2015.

Informant has alleged in his fardbeyan that on 24.01.2020 on account of some dispute with respect to passage, FIR named accused variously armed came in his house and it is alleged that they assaulted informant by taking caste name.

It has been submitted on behalf of the appellant no. 1 that there is no specific allegation against him of abusing informant by caste name or assaulting informant or any of his family members. Appellant no. 1 has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the appellant no. 1 named above be released on anticipatory bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Saran, in connection with the aforesaid case, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) appellant no. 1 shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the appellant no. 1 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 no. 1.

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

(S. Kumar, J)

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