

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4332 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- WARISNAGAR District- Samastipur

TRIBHUJ GIRI Son of Chandeshwar Giri R/V- Kishanpur Baikunth
Hayaghat, Warisnagar, P.S- Warisnagar, Dist-Samastipur Bihar 848133
... .. Appellant/s

Versus

1. The State of Bihar
2. Rajdeo Paswan Son of Ram Shohag Paswan @ Thithar Paswan R/V-
Kishanpur Baikunth Ward no. 10, P.S- Warisnagar, Dist- Samastipur
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Bharti, Adv. Mr. Apurva Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, S.P.P.
For the Informant	:	Mr. Akshansh Ankit, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-04-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special P.P. for the State.

This is an appeal under Section 14 (A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 11.11.2022 passed by the learned Special Judge SC/ST (P.O.A.) Act, Samastipur, in Warisnagar P.S. Case No.120 of 2021, F.I.R. dated 24.05.2021 registered under Sections 302, 504, 506 & 34 of the Indian Penal Code and Section 3(i)(v) 3 (ii) and (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 25(1-b)a, 26, 27 and 35 of the Arms Act.



According to FIR, before death, the brother of the informant told the informant that the appellant along with other co-accused persons namely, Himalaya Giri and Suman Giri have fired upon him and thereafter they fled away.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the informant is not an eyewitness of the alleged occurrence and the allegation as alleged in the F.I.R. does not support by the medical evidence and who fired upon the brother of the informant is not clear. He further submits that police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 29.07.2022.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (P.O.A.) Act, Samastipur, in connection with Warisnagar P.S. Case No.120 of 2021, with the



following conditions:-

(1) 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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