

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3325 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- GAYA KOTWALI District- Gaya

Abhishek Barnwal @ Abhishek Kumar @ Mithu S/o. Vijay Lal, R/o. Baitarni
Talab Maranpur, P.S. Vishnupad, District-Gaya

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPPs

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-12-2018

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 anticipatory bail vide order dated 30.07.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.164 of 2018, arising out of Kotwali Police Station Case No.132 of 2018, registered under Sections 302/120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant is not named in the FIR. According to FIR, the named accused and three unknown persons allegedly fired at the deceased Kundan Kumar causing his death. Name of the appellant surfaced in the confessional statement of co-accused Mukesh Yadav. However, no overt act has been alleged against the appellant in the



confessional statement. Investigation of the case is already complete.

Considering the fact that there is no substantial material against the appellant to refuse the prayer for bail, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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