

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3977 of 2018

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

Mukesh Yadav @ Mukesh Kumar @ Kumesh Kumar Son of Kailash Yadav,
R/o Village-Shivmandir Ghugharitand, P.S.-Vishnupad, District-Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 18-12-2018

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 bail by order dated 18.08.2018 in Kotwali P.S.Case No.132 of 2018 passed by the learned Special Judge (S.C./S.T. Act), Gaya, registered under Sections 302,120(B),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.

According to FIR, three named person and some unknown person allegedly fired at the head of son of the informant, as a result whereof, son of the informant died. Appellant is not named in the FIR nor name of the appellant has surfaced in the statement of Kundan Kumar, Son of Late Ranjeet Kumar, who was accompanying the deceased rather name of the appellant surfaced in the confessional statement of co-accused-Rajesh Yadav.



According to confessional statement, all the accused person made a plan, the appellant was driving the motorcycle on which others were riding and Rajesh Yadav had fired at the deceased, which resulted in death. Multiple firearm injury was found on the person of the deceased. Appellant is in custody since 19.05.2018. Investigation of the case is complete.

Considering the fact that no overt-act has been alleged against the appellant so far murder of the deceased is concerned, let the appellant, above named, be released on bail on furnishing bail bond 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 condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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