

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4320 of 2018

Arising Out of PS. Case No.-289 Year-2018 Thana- SAHARSA District- Saharsa

Rakesh Kumar, Son of Ashok Ram, Resident of Village - Dhakjari, P.S. -
Sonversha (Saharsa), District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 12.09.2018 in Saharsa Sadar P.S. Case No. 289 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saharsa in connection with the aforesaid case registered under Section 394 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Four unknown persons robbed to the informant. Name of the appellant surfaced in the confessional statement of co-accused Prakash Singh who has already been allowed bail by this Court vide order dated 24.09.2018 passed in



Cr. Appeal (SJ) No. 3126 of 2018. Appellant has stated on oath that he has got no criminal antecedent. He was never put on Test Identification Parade during investigation. Appellant is in custody since 16.05.2018 and nothing has been recovered from his possession.

Considering the facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	11.12.2018
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