

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3446 of 2018

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

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1. Jaicky Kumar, S/o Sri Nathuni Mahton, R/o Vill. - Nauranga, P.S. - Muffasil,
District - Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Shashank Thakur, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-11-2018

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 18.08.2018 in Kotwali P.S. Case No. 132 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Gaya in connection with the aforesaid case registered under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(2)(va) of the SC/ST Act.

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. Appellant is in custody since 19.05.2018. 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, 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/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.11.2018
Transmission Date	08.11.2018

