

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3844 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- JAMHOR District- Aurangabad

Wakil Mehta, S/o Dalesh Mehta, @ Dalesh Kumar Mehta R/o Village of Mahabir Ganj, P.S.-Barun, District-Aurangabad (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
For the Respondent/s : Smt. Usha Kumari No.-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 30-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail by the learned 1st Additional District and Sessions Judge-cum- Special Judge, Aurangabad, in Jamhore P.S. Case No. 67 of 2018, registered under Section 302 of the Indian Penal Code as well as under Section 3 (2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989.

Son of the informant was driver of the tractor of the appellant. The dead body of the son of the informant was found from a well and no external injury was noticed on his person.

Submission is that only material against the appellant is suspicion for the reason that a spectacle of the appellant was



found near the place of occurrence. There is no evidence of any motive of commission of the murder nor the post-mortem report would reveal that this was a case of murder. The appellant is in custody since 14.07.2018. Investigation of the case is completed. There is no allegation of tampering with evidence against the appellant.

Considering the aforesaid facts, 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, 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.

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

(Birendra Kumar, J)

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