

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2628 of 2018

Arising Out of PS.Case No. -98 Year- 2015 Thana -GAYA GRP CASE District- GAYA

=====

1. Govind Kumar son of Ramyogi Paswan, resident of Village- Bagdiha, P.S.- Guraru, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh, Adv

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-08-2018

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 28.06.2018 by the learned Special Judge (S.C./S.T. Act), Gaya, in connection with Gaya Rail Police Station Case No.98 of 2015 registered under Sections 302,201,120(A),379 and 34 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Dead body of the son of the informant was found near the railway track. The only circumstance against the appellant is that he had gone alongwith the deceased, he was in



talking terms with the deceased on mobile phone which revealed from the call details, and confession of the co-accused-Ranjit Kumar as well as of the appellant before the police.

Submission of the learned counsel for the appellant is that the last seen circumstance is very weak circumstance. Confession before the police is no evidence. Even if the allegation of conspiracy is assumed to be correct, unless the real culprit is identified, the allegation of conspiracy is in vain. Appellant is in custody since 07.06.2018.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that name of the appellant surfaced after three years of the occurrence during investigation as well as considering the aforesaid material, let the appellant, above named, be released on bail **after completion of investigation against the appellant** 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 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
this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2018
Transmission Date	07.08.2018

