

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3846 of 2018

Arising Out of PS.Case No. -71 Year- 2018 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

=====

Mintu Kumar @ Mirtunjay Singh, Son of Late Bishnu Singh @ Visun Singh, R/o
Village-Gotpa, P.S.-Bikramganj, District-Rohtas.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajani Kant Singh, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-10-2018

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 13.09.2018 in Registered Case No.88 of 2018 arising out of Bikramganj P.S.Case No.71 of 2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (S.C./S.T. Act), Rohtas at Sasaram, registered under Sections 302/34 of the Indian Penal Code and Section 3(i)(v)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and subsequently Section 364 I.P.C. and Section 3(i)w (ii) 3(x) and Section 8 of POCSO Act was added.

Appellant is not named in the FIR. The FIR would itself reveal that suspicion is there against the named person of commission of murder of the daughter of the informant whose



dead body was found from behind the house of the informant.

Learned counsel for the appellant submits that initially Pintu Singh was made accused. Said Pintu Singh is full brother of the appellant. When the informant came to know that Pintu Singh had died long back, name of the appellant was substituted in the FIR under order of the Court.

Considering the fact that there is no substantial material against the appellant, 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 investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

If the informant would bring to the notice of the learned court below that the appellant is carrying criminal antecedent with knowledge of that case that would be a ground for cancellation of bail of the appellant by the learned court below because the appellant has stated on oath that he has got no criminal antecedent and the statement of the appellant would amount to suppression of material facts.

Accordingly, the impugned order is set aside and this



appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.10.2018
Transmission Date	26.10.2018

