

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3786 of 2018

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

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Anil Kumar @ Anil Rawani @ Anil Ramani @ Anil Kumar Ramani, Son of
Late Gopal Rawani, Resident of Mohalla- Tutwari, Ganga Mahal, Police
Station- Kotwali, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No-2
For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 26-11-2018

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 passed by the
learned Exclusive Special Judge, S.C./S.T., Gaya in Kotwali Police
Station Case No.132 of 2018 registered under Sections 302, 120(B)/34
of the Indian Penal Code as well as Section 27 of the Arms Act and
Section 3, 2(VA) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant is not named in the F.I.R. According to F.I.R., the
named accused and three unknown persons allegedly fired at the
deceased *Kundan Kumar* causing his death.



Submission is that name of the appellant surfaced in the confessional statement of co-accused, *Mukesh Yadav*. The appellant is in custody since 19.05.2018. Investigation of the case is already complete. The appellant was never put on Test Identification Parade before the informant to substantiate presence of the appellant at the time of occurrence. Co-accused, *Jaicky Kumar* has already been allowed bail by this Court passed in Criminal Miscellaneous No.3446 of 2016.

Considering the entire 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.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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