

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.166 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- PATLIPUTRA District- Patna

Mukesh Kumar, aged about 20 years, (M) Late Shiv Nath Mahto Mohalla-Gosai Tola, Tenant in the house of Harish Mahto, P.S-Patliputra, Distt.-Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Parashuram Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 27-02-2019 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 **05.10.2018** passed by learned **Additional Sessions Judge IV-cum- Special Judge SC/ST Act, Patna** in connection with **Special Case No. 304 of 2018 arising out of Patliputra P.S. Case No. 42 of 2018** registered under Sections 307, 324, 326, 302, 376 (2) (g), 120 B and 34 of the IPC and Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

Informant who is a police officer has stated in his written complaint that on receipt of an information about a lady lying in a pool of blood near Mahantha College Mainpura, he along with other police personnel reached at the said place and



recovered the same.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case only on suspicion. He is not named in FIR. Name of the appellant has surfaced in this case on the basis of confessional statement of co-accused. It has been further submitted that similarly placed co-accused have been granted bail by co-ordinate Bench of this Court vide order dated 05.09.2018 passed in Cr. Misc. No. 44703 of 2018 and vide judgment and order dated 13.02.2019 passed in Cr. Appeal (SJ) No. 4766 of 2018. There is no incriminating material against the appellant. He is in custody since 19.03.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by



the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

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