

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.213 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- KONCH District- Gaya

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Vishal Kumar @ Ram Payare Das, son of Late Vijay Das, resident of village-
Utrain, P.S.- Konch, 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.Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 10-01-2019 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 30.11.2018 passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Konch P.S. Case No. 200 of 2017 registered under Sections 302 and 34 of the Indian Penal Code and Section 2(v) of the SC/ST Prevention of Atrocities Act, 1989.

Informant has alleged in his written complaint that while his father after taking meal was going to the other house and when he reached near the house of Jitendra Mishra and Ram Sawan Mishra, he was assaulted on the back side of head by blunt object, as a result of which he died on the spot. Informant



has suspected that due to enmity Jitendra Mishra, Krishna Paswan, Rajesh Paswan and Umesh Paswan have killed his father.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on the basis of confessional statement made by Umesh Paswan. It has been further submitted that the occurrence took place on 27.08.2017 whereas the FIR was registered on 31.08.2017. It has been further submitted that an iron rod purported to be used in killing of deceased was recovered from the house of appellant which has been denied by the appellant, as iron rod is found in every household. It has been further submitted that appellant has no criminal antecedent and he is in custody since 27.09.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with 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 his absence



on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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