

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.369 of 2019**

Arising Out of PS. Case No.-87 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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SUJEET YADAV son of Birju Yadav Resident of Village- Sakra, P.O.-Rajour,
P.S.- Gadhapura, District- Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Hemant Kumar Karan

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 26-03-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST
(Prevention of Atrocities) Amendment Act, against the refusal
of prayer for bail by order dated 06.12.2018 passed by learned
Special Judge SC/ST Act, Civil Court, Begusarai, registered
under Sections 302, 201, 120(B) of the Indian Penal Code, 25(1-
b)a 26, 27, 35 of the Arms Act and Section 3(2)(v) of SC/ST
Act.

Informant is the police officer, who has stated that on
26.08.2018 he alongwith other police personnel were checking
the vehicle and he saw that one Alto Car tried to flee away on
seeing police but the car was chased and caught and on the
dickey blood spot was found and on opening the dickey of the
car one dead body was found and driver disclosed his name as



Sujeet Yadav (petitioner) and the person who was sitting by his side disclosed his name as Gopal Kumar. From the possession of said Gopal Kumar one loaded pistol was recovered and who disclosed that dead body is of Shiv Kumar Das who has been killed by him. In para No. 10 of case diary the confessional statement of co-accused Gopal Kumar has been recorded in which he has admitted that Shiv Kumar Das (deceased) was planning to kill him and as such he killed Shiv Kumar Das. He has also admitted that after killing the deceased he called Sujeet (petitioner) to bring his car and was trying to dispose of the dead body of deceased.

It has been submitted on behalf of the appellant that there is no allegation of killing against him. Allegation is against Gopal Kumar and one firearm injury has been found on the dead body of deceased. Appellant has no criminal antecedent and he is in custody since 28.08.2018.

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/-(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, 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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