

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.436 of 2019

Arising Out of PS. Case No.-296 Year-2018 Thana- BYPASS District- Patna

RAUSHAN KUMAR, aged about 20 years, male, son of Munna Prasad
Resident of Mangal Talab, P.S.-Chowk, District -Patna

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 15-02-2019 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 19.11.2018 passed by learned **Additional District & Sessions Judge, IV cum Special Judge SC/ST, Patna**, in connection with **Special Case No. 487 of 2018 arising out of Bypass P.S. Case No. 296 of 2018** registered under Sections 302, 120B and 34 of the IPC, Section 27 of the Arms Act and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in his written complaint that he came to know that his brother has been murdered and on seeing the photographs on mobile in the police station he recognized and thereafter he went at the place of occurrence and from the



neighbouring people he came to know that accused Roshan Kumar (appellant) who resides as a tenant had altercation with his brother on 2-3 earlier occasions. He suspects that said Roshan Kumar (appellant) and Golu Kumar and 3-4 unknown assailants have committed the murder of his brother after taking him in confidence.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. Except suspicion there is no other incriminating material against him. Similarly, situated co-accused, Golu Kumar @ Rohit Yadav, has been granted bail by this Court vide order dated 02.01.2019 passed in Cr. Appeal (SJ) No. 4738 of 2018. Appellant has got no criminal antecedent and is in custody since 05.10.2018.

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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