

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.422 of 2019

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

VIKRAM KUMAR @ VIKASH PASWAN (Male), aged about 20 years, Son
of Suresh Paswan Resident of Village- Utrain, Police Station- Konch, District-
Gaya

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-02-2019 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 03.01.2019 passed by the 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 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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 Swan 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 of the co-accused Vishal Kumar @ Ram Pyare Das and except said confession, there is no any incriminating material against the appellant. It has further been submitted that the occurrence took place on 27.08.2017 whereas the F.I.R. was registered on 31.08.2017. Appellant has no criminal antecedent and he is in custody since 27.09.2018. Similarly placed co-accused Vishal Kumar @ Ram payare Das has already been granted bail by this Court as contained in Annexure 2.

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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