

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.463 of 2019

Arising Out of PS. Case No.-327 Year-2018 Thana- RUPASPUR District- Patna

=====

MUKESH KUMAR (Male aged about 28 years) Son of Panchi Rai Resident
of village-Mahuabagh PS Rupaspur, District Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Brij Bihari Tiwary
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 **17.12.2018** passed by learned **Additional District & Sessions Judge-4th cum Special Judge S.C/S.T, Patna**, in connection with **Special Case No. 464 of 2018 arising out of Rupaspur P.S. Case No. 327 of 2018** registered under Sections 363, 365, 364, 302, 201, 120B/34 of the IPC and Section 3(1) (v), 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in his written complaint that his son Vikash Kumar after taking meal on 27.07.2018 went outside the house stating that he would be coming back soon but he thereafter did not return and he started to search him from



11:00 pm but he could not be traced. He was informed by one of his villager that his son has used his mobile to make a call and thereafter went outside and become traceless. However, his dead body was recovered after few days.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case, on the basis of confessional statement of co-accused Manoj Kumar and except said confessional statement there is no any other incriminating material against the petitioner. Petitioner has got no criminal antecedent and is in custody since 01.08.2018.

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/- 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)

ranjan/-

U			
---	--	--	--

