

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.460 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Vinod Prasad, aged about 31 years, Gender, Male, Son of Shivdas Prasad
Resident of Village-Jamira, P.S.- Arrah Muffasil, District, Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh.1
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-02-2019 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 20.04.2018 passed by the A.D.J.-1st, Ara, Bhojpur in connection with Ara Muffasil P.S. Case No.04/2018 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that while he was urinating and his brother was going ahead of him, he heard sound of firing and when he rushed towards it, he saw that accused, Pramod Paswan was having a country made gun in his hand and had



shot his brother on the left side of his chest as a result of which, he fell down and subsequently died. Allegation against the petitioner is that he had caught hold of the deceased while firing was being made by the co-accused Pramod Paswan.

It has been submitted on behalf of the petitioner that only single firearm injury has been found on the body of the deceased and there is no allegation of any overt act against the petitioner and he has been implicated in this case only because of land dispute between the parties. Petitioner has got no criminal antecedent and is in custody since 06.01.2018.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

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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