

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.642 of 2019

Arising Out of PS. Case No.-19 Year-2016 Thana- SC/ST District- Munger

Umesh Gupta @ Umesh Prakash, aged about 32 years, Male, Son of Gurudeo Gupta, Resident of Village - Jawayad, P.S.- Pursotimpur, Dist-Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lakshmi Kant Sharma
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-03-2019 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 07.01.2019 passed by the learned Special Judge(SC/ST Act) -cum- A.D.J. 1st, Munger in connection with Munger SC/ST P.S. Case No.19/2016 registered under Sections 302/34 of the Indian Penal Code and Section 3(1)(x)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that all the F.I.R. named accused including the appellant along with 4-5 unknown persons assaulted his son on his head by means of lathi and khanti causing severe injury on his head as a result of which, he



fell down on the ground. Thereafter, son of the informant succumbed to injury on the way of hospital.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case. It has further been submitted that the alleged occurrence took place on 24.04.2016 but F.I.R. was registered after delay of four days. There is no specific allegation of any over act by petitioner. Allegation is general and omnibus in nature. Similarly placed co-accused Pankaj Yadav has already been granted bail by this Court vide order dated 31.07.2017 passed in Cr. Appeal No.855/2017. Appellant has no criminal antecedent and he is in custody since 02.11.2018.

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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