

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1096 of 2019**

Arising Out of PS. Case No.-262 Year-2018 Thana- ISLAMPUR District- Nalanda

=====

RAMASHISH PRASAD Son of Rajendra Prasad @ Garimanjee Resident of  
Village- Jorarpur, P.S.- Deepnagar, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.Samir Kumar Sinha  
For the Respondent/s : Mr.Sadanand Paswan

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

**ORAL JUDGMENT**

**Date : 22-05-2019**

Heard learned counsel for the appellant and  
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act against the refusal of prayer for bail vide order  
dated 04.02.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge,  
Nalanda at Biharsharif in Islampur P.S. Case No. 262 of 2018  
registered under Sections 302/34 of the Indian Penal Code and  
Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes  
(Prevention of Atrocities) Act.

Appellant and one another accused, namely,  
Sudhir Kumar are said to have taken the son of the informant to  
drop them in village Rama Bigha. When his son did not regress



he went to village Rama Bigha but in vain. On the following day the dead body of his son was found in the said village.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case only on the basis of suspicion and misunderstanding. As a matter of fact, the victim had met with motorcycle accident and succumbed to injury due to the said accident. The damaged motorcycle was also recovered by the police. The postmortem report also indicates about the accidental death of the deceased. Appellant has no criminal antecedent and has been languishing in custody since 12.12.2018. Similarly situated co-accused Sudhir Kumar has been enlarged on bail by a coordinate Bench of this Court in Cr. Appeal (SJ) No.107 of 2019 vide order dated 11.03.2019.

Learned Special P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Nalanda at Biharshrit in connection with Islampur P.S. Case No.262 of 2018, with following



conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall cooperate 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 the appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 25.05.2019 |
| Transmission Date | 25.05.2019 |

