

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1034 of 2019**

Arising Out of PS. Case No.-342 Year-2018 Thana- BAGHA District- West Champaran

AKASH KUMAR @ AKASH RAJ aged about 18 years Gender-Male S/o Raj Kumar Ram, Resident of village-Sauraha Laxmipur, P.S-Semara, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-03-2019 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 **21.02.2019** passed by learned **Additional District & Sessions Judge 1st cum Special Judge, Bettiah, West Champaran**, in connection with **Bagaha (Patkhauri) P.S. Case No. 342 of 2018** registered under Sections 302/34 of the IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Informant who is father of deceased has alleged in his written complaint that on 12.07.2018 at about 8:00 pm son of



owner of Choudhary Service Centre, Aditya Kumar and one of his associate came to his house and took away his son and thereafter his son did not return and on the next day he was informed that his son has died due to electric shock, however, he has raised suspicion that they have killed him.

It has been submitted on behalf of Appellant that appellant is not named in the FIR and the only incriminating material which has come against him is that he was also found to be present alongwith main accused Aditya Kumar. Similarly, situated co-accused person Aditya Kumar has been granted bail by a co-ordinate bench of this Court vide order dated 08.10.2018 passed in Criminal Miscellaneous No. 53544 of 2018. Appellant has got no criminal antecedent and is in custody since 31.10.2018.

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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