

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1092 of 2019

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

Manoj Kumar @ Mogal Son of Panchi Rai Resident of Village - Mahuabagh,
P.S.- Rupaspur, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lalan Kumar

For the Respondent/s : Mr. Usha Kumari 1

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 28.11.2018 passed by learned Addl. Sessions Judge 4th
cum Special Judge (SC/ST Act), Patna in Rupaspur P.S. Case
No. 327 of 2018 registered under Sections 363, 365, 364, 302,
201 and 120-B/34 of the Indian Penal Code and Section 3(1)(v),
3 (2) (va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

The son of the informant is said to have been
kidnapped by some unknown miscreants and later on after



couple of days his decomposed dead body was recovered.

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 due to animosity and dirty village politics. He is not named in the F.I.R. There is nothing on record indicating the complicity of the appellant in the occurrence barring his confessional statement which has no evidentiary value in the eye of law. There is no eye witness of the occurrence. The appellant has no criminal antecedent and has been languishing in custody since 02.08.2018. Similarly situated co-accused, namely, Dolly Devi, whose name has also surfaced in confessional statement of the appellant, has been enlarged on bail by a coordinate Bench of this Court in Cr. App (SJ) No.4489 of 2018 vide order dated 21.12.2018.

Learned Spl. PP 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 the learned Addl. Sessions Judge 4th cum Special Judge (SC/ST Act), Patna in connection with Special P.S. Case No.464 of



2018, arising out of Rupaspur P.S. Case No.327 of 2018.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.05.2019
Transmission Date	23.05.2019

