

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1036 of 2019

Arising Out of PS. Case No.-182 Year-2017 Thana- KAUWAKOL District- Nawada

SANJEEV SAW aged about 28 years Gender-Male Son of Ranjeet Saw @
Lalu Saw Resident of Village- Jogachak Saroni, P.S.- Kauakol, District-
Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar Singh
For the Respondent/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-03-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 against the refusal of prayer for bail by order dated
04.12.2018 passed by the learned **Additional Sessions Judge,**
1st, Nawada in connection with **Spl(H) Case No.18/18 arising**
out of kawakole P.S. Case No.182/17 registered under Sections
302/201/34 of the Indian Penal Code as well as Section 3(2)(v)
of SC/ST Act.

Allegation against the Appellant is of committing murder
though he is not named in the FIR. FIR is against unknown.



It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case merely on the basis of suspicion. It has been submitted on behalf of the appellant that the name of the appellant has surfaced in this case on the basis of confessional statement of co-accused Sabo Devi. Except the confessional statement there is no incriminating material against the petitioner. Sabo Devi on whose confession the name of the petitioner has surfaced in this case has already been granted bail by this Court vide order dated 12.03.2019 in Criminal Appeal (SJ) No. 354 of 2019. Appellant has got no criminal antecedent and is in custody since 25.10.2018.

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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