

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1198 of 2019**

Arising Out of PS. Case No.-456 Year-2018 Thana- NAWADA District- Nawada

Vivek Kumar S/o Mithilesh Prasad @ Mithilesh Mahto R/o Village- Gotrain,
P.S.- Nardiganj, District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL JUDGMENT
Date : 23-05-2019**

Heard learned counsel for the appellant and
learned Spl. PP 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 04.12.2018 passed by learned 1st Additional Sessions
Judge cum Special Judge, Nawada in Special (H) Case No. 122
of 2018 arising out of Nawada P.S. Case No. 456 of 2018
registered under Sections 363 and 365/34 of the Indian Penal
Code, later on Sections 364, 302, 201 and 120B of the Indian
Penal Code and Sections 3(2)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act were added.

Appellant is said to have taken the father of the
informant on Bolero for Panchayati, but he did not regress.



There was some dispute between the father of the informant and his neighbour Kiran Devi over construction of the house and Kiran Devi had extended threatening of dire consequence to him. During the course of investigation, Chhotu Gupta was apprehended and he disclosed the name of the appellant as his accomplice in the occurrence.

It is submitted by learned counsel for the appellant that the appellant is not named in the F.I.R. He has no concern with the aforesaid occurrence. There is nothing cogent on the record indicating the complicity of the appellant in the occurrence barring the confessional statement of Chhotu Gupta which has no evidentiary value in the eye of law. Appellant has no criminal antecedent and has been languishing in custody since 12.07.2018. Similarly situated co-accused namely Saurabh Suman @ Dr. Saurabh Suman has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 28.03.2019 passed in Cr. Appeal (SJ) No. 691 of 2019 and Anuj Kumar has been enlarged on bail by this Court vide order dated 01.05.2019 passed in Cr. Appeal (SJ) No. 1823 of 2019.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Nawada in connection with Special (H) Case No. 122 of 2018 arising out of Nawada P.S. Case No. 456 of 2018.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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