

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4685 of 2018

Arising Out of PS. Case No.-185 Year-2017 Thana- MAHKAR District- Gaya

Awadhesh Kumar @ Awadhesh Prasad S/o Vilash Prasad, R/o Vill.- Naili,
P.S.- Mahkar, District- Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-01-2019 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 17.11.2018 passed by the Special Judge S.C. & S.T. Act, Gaya in connection with Mahkar P.S. Case No.185/2017 registered under Sections 302 and 34 of the Indian Penal Code and Section 3(i)(r)(s)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that the appellant along with other accused persons caught hold of the father of the informant, abused him by taking caste name and also assaulted him, due to which he received injury and



succumbed to death.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The F.I.R. has been lodged after delay of about 15 days. There is no specific allegation against the appellant. Appellant has no criminal antecedent and he is in custody since 01.10.2018. Similarly placed co-accused Bipul Kumar and another have already been granted bail by a co-ordinate Bench of this Court vide order dated 08.01.2019 passed in Cr. Appeal (S.J.) No.3756 of 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)

Sanjay/-

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