

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4751 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- GAYA KOTWALI District- Gaya

Vicky Sao @ Vicky Kumar @ Vicky Sah, Son of Iswari Sao Resident of
Village - Nauranga, Police Station Muffassil, Distt.- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-01-2019 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 26.10.2018 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Kotwali P.S. Case No.132 of 2018 registered under Sections 302, 120(B) and 34 of the Indian Penal Code, under Section 27 of the Arms Act and under Section 3,2(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant and others is to have killed the son of the informant by firearm.

It has been submitted on behalf of the appellant that he is not named in the F.I.R. and his name has surfaced in this case on the confessional statement made by the co-accused,



Mukesh Yadav and Jaiky and except said confessional statement, there is no any other incriminating material against the appellant. Similarly placed co-accused has already been granted bail by a co-ordinate Bench of this Court as contained in Annexure 2. Appellant is in custody since 13.09.2018.

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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