

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.73 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- KONCH District- Gaya

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Dharmendra Das @ Nagendra Das @ Dharendra Das, Son of Ramun Das,
Resident of Village- Utren, P.S.- Koach, District- Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh, Adv.

For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 14-02-2019

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail by order dated 30.11.2018 passed by learned Exclusive Special Judge SC/ST Act, Gaya, in connection with Konch P.S. Case No. 200 of 2017, registered under Section 302/34 of the Indian Penal Code and Section 2(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged in his written complaint that on 27.08.2017, his father after taking meal was going to his another house where he used to keep cattle and as he reached near the house of Jitendra Mishra and Ram Sawan Mishra, he was assaulted on the back side of head by blunt object, as a



result of which he died on the spot. This information was conveyed to him by his cousin Mukesh Das who was informed by Sonu Kumar who was also coming from the same way. His father used to do some black magic and, as such, he had enmity with F.I.R. named accused including the appellant.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case. Appellant is not named in the F.I.R. and his name has surfaced in this case on the confessional statement made by co-accused Ram Pyare Das @ Vishal Kumar, who has been granted bail by this Court vide order dated 10.01.2019 passed in Criminal Appeal (SJ) No. 213 of 2019, except this there is no material against the appellant. Appellant has no criminal antecedent and he is in custody since 27.09.2018

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/- (twenty thousand) 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 Court and his absence on two consecutive dates without sufficient reasons, 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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