

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4687 of 2018

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

Sagar Kumar S/o Ashok Prasad, R/o Golbagiccha Gahra, P.S.- Kotwali,
District- Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 25-03-2019 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 **01.11.2018** passed by learned **Exclusive Special Judge SC/ST, Gaya** in connection with **Kotwali P.S. Case No. 132 of 2018** registered under Sections 302, 120 (B) and 34 of the IPC, under Section 27 of Arms Act and Section 3 (2) (VA) of SC/ST (Prevention of Atrocities) Act.

Informant who is the mother of victim has stated in her fardbeyan that on 06.03.2018 at about 6:00 A.M. when his son Kundan Kumar was going to his office along with his friend Kundan Kumar S/O Late Ranjit, six miscreants riding on two motorcycles surrounded him and among whom three were



known Rajesh Yadav, Rohit Kumar and Sagar Kumar and three were unknown and they fired upon his son and he was declared brought dead when carried to hospital.

It has been submitted on behalf of the appellant that during investigation statement of his friend who was an eyewitness of the occurrence, has not named appellant as an assailant. Even in the confessional statement made by main assailant Rajesh Yadav, has not named appellant as assailant. The only role attributed to him is that of a liner. Appellant has got no criminal antecedent and is in custody since 21.10.2018.

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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