

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4765 of 2018**

Arising Out of PS. Case No.-156 Year-2018 Thana- KURTHA District- Jehanabad

Deepak Kumar S/o Sri Rajeshwar Mahto, resident of Village- Bithra, P.S.-  
Kurtha Manikpur, District- Arwal Bihar. ... Petitioner ... Appellant/s  
Versus

The State Of Bihar

... Opposite Party ... Respondent/s

**Appearance :**

For the Appellant/s : Mr.Shri Prakash Tiwari

For the Respondent/s : Ms. Usha Kumari No-1

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

4      25-01-2019                      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 19.11.2018 passed by the 1<sup>st</sup> Addl. Sessions Judge, Jehanabad in connection with Kurtha (Manikpur) P.S. Case No.156/2018 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant is the father of the victim who in his fardbeyan has stated that his son Pankaj Kumar on 26.08.2018 at 11 a.m. after having meal went with Deepak Kumar, S/o Chhotan Prasad, on his motorcycle to the Mobile shop of Deepak Kumar, S/o Rajeshwar Mahto, the appellant, where he is working for last 2 years and being contacted on Mobile in the



night he informed that he has gone to Sasural of petitioner thereafter, did not return. On being contacted on his mobile in the morning, it was found switched off. On the next day, his dead body was found.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on the basis of suspicion and misunderstanding. Appellant has no criminal antecedent and he is in custody since 29.08.2018. Similarly placed co-accused Deepak Kumar has already been granted bail by this Court vide order dated 23.01.2019 passed in Cr. App. (SJ) No.57/2019.

Learned counsel for the informant has vehemently opposed the prayer for bail of the appellant.

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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