

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1674 of 2019**

Arising Out of PS. Case No.-39 Year-2019 Thana- AMARPUR District- Banka

KULDEEP DAS Son of Late Gulli Das Resident of Village- Garijor, Police
Station- Fullidumar, (Amarpur), District- Banka.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 28-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 28.02.2019 passed by learned 1stAddl. Sessions Judge,
Banka in connection with Amarpur (Fullidumar) P.S. Case No.
39 of 2019 registered under Section 302/34 of the Indian Penal
Code and Section 3(2) (va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Wages of the husband of the informant was due to
Saryug Yadav and despite his reluctance, the said Saryug Yadav



along with the appellant and other accused persons took him for loading the sand. Subsequently, the aforesaid accused persons were seen interacting with each other but her husband was not with them and the dead body of her husband was found on the following morning on the road. The informant suspects the hand of the appellant and other accused persons in the murder of her husband.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. He happens to be a poor labourer. There is no eye witness of the occurrence. The wages of the deceased was due to the Saryug Yadav and the appellant has no concern with the aforesaid wages. There is nothing on record indicating the complicity of the appellant in the occurrence. Charge has already been framed. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 08.02.2019. Said Saryug Yadav has been enlarged on bail by a coordinate Bench of this Court vide order dated 04.06.2019 passed in Cr. Appeal (SJ) No.1569 of 2019.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 39 of 2019.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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