

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1823 of 2019

Arising Out of PS. Case No.-456 Year-2018 Thana- NAWADA District- Nawada

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Anuj Kumar Son of Baleshwar Prasad @ Baleshwar Mahto Resident of
Village - Gopalganj, P.S.- Kadirganj, District- Nawadah, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Usha Kumari 1

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

ORAL JUDGMENT

Date : 01-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 14.03.2019 passed by learned 1st Addl. Session Judge-
cum-Special Judge, Nawada in Nawada P.S. Case No. 456 of
2018 initially registered under Sections 363, 365/34 of the
Indian Penal Code and subsequently added with Sections 364,
302, 201, 120B of the I.P.C. and Sections 3(2)(V) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Chhotu Gupta is said to have taken the father of the



informant on the Bolero vehicle for Panchayati, but he did not regress. There was some dispute of his father with his neighbour Kiran Devi for construction of the house and Kiran Devi had given threatening of dire consequences to him. Subsequently, the dead body of the father of the informant was found and in the course of investigation, Chhotu Gupta was apprehended, who disclosed the name of the appellant as his accomplice in the occurrence.

It is submitted by learned counsel for the appellant that the appellant is not named in the FIR. He has no concern with the aforesaid occurrence. There is nothing cogent on record indicating the complicity of the appellant in the occurrence barring confessional statement of Chhotu Gupta, which has no evidentiary value in the eye of law. Appellant has no criminal antecedent and has been languishing in custody since 06.11.2018. Similarly situated co-accused, naely, Saurabh Suman @ Dr. Saurabh Suman has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 28.03.2019 passed in Cr. Appeal (SJ) No. 691 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Session Judge-cum-Special Judge, Nawada in Nawada P.S. Case No. 456 of 2018.

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

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
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