

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2027 of 2019

Arising Out of PS. Case No.-587 Year-2018 Thana- SHERGHATI District- Gaya

SANTOSH YADAV Son of Mahendra Yadav Resident of Village - Ranichak,
P.S.- Serghati (Dobhi), Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Kumar Dipak
For the Respondent/s : Mr. Usha Kumari 1

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

ORAL ORDER

3 25-06-2019 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 18.04.2019 passed by learned Special Judge SC/ST, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 587 of 2018 registered under Section 201 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Two F.I.R. named accused persons are said to have taken the son of the informant in the preceding night on the



motorcycle and his dead body was found on the road in front of his house on the following day.

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. He is not named in the F.I.R. There is no eye witness of the occurrence. There is nothing on record indicating the complicity of the appellant in the occurrence barring the confessional statement of co-accused Santosh Kumar which has no evidentiary value in the eye of law. Moreover, in the aforesaid confessional statement the said accused has disclosed about gunning down the deceased by Ravindra Kumar Yadav. Hence, as per the aforesaid confessional statement itself the appellant does not happen to be assailant. The said Santosh Kumar @ Santosh Kumat Tanti has been enlarged on bail by a coordinate Bench of this Court vide order dated 06.05.2019 passed in Cr. Misc. No.11264 of 2019. Appellant has no criminal antecedent and has been languishing in custody since 04.02.2019.

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 Special Judge SC/ST, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 587 of 2018.

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

(Prakash Chandra Jaiswal, J)

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