

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4680 of 2018

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

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- 1) Prem Ranjan S/o Satendar Prasad, R/o Vill.- Chiraila Tola, Ram Bigha, P.S.- Belaganj, District- Gaya
2) Kausahl Kumar @ Tendulkar, son of Radhe Shyam Singh, resident of village, Sikaria, P.S. Kurtha, District, Arwal

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lakshmi Kant Sharma
For the Respondent/s : Ms. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-01-2019 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 05.11.2018 passed by the 1st Addl. Sessions Judge, Jehanabad in connection with Kurtha (Manikpur) P.S. Case No.156/201/8 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(iv)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that his deceased son Pankaj Kumar on 26.08.2018 at about 11 a.m., went with co-accused, Deepak Kumar on his motorcycle to the mobile shop. In the night, when informant rang his son on his mobile, he told that he



had come to *sasural* of Deepak Kumar but afterwards, no contact was made on his mobile. On 27.08.2018, the *chaukidar* informed that deadbody of his son was found in Kemdarchak Ahar. He suspected that the Deepak Kumar and other miscreants had killed his son.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case. He is not named in the F.I.R. and his name has surfaced in this case on his own confession. Petitioner has no criminal antecedent and he is in custody since 04.09.2018.

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

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/- each 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) Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the appellants tamper 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 appellants.

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

(S. Kumar, J)

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