

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3144 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- GAYA MUFASIL District- Gaya

Pinku Kumar, Son of Ramjee Sao @ Ramjee Prasad, Resident of Village -
Abgila Devi Asthan, P.S.- Muffasil, Distt - Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 06-09-2019 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 of anticipatory bail vide order dated 03.07.2019 passed by learned Exclusive Special Judge SC/ST, Gaya in connection with Muffasil P.S. Case No.12 of 2019 registered under Sections 302, 120/b of the Indian Penal Code and Section 3(II)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over dispute regarding snatching of toy gun of the



brother of the informant by appellants, co-accused Mohit Kumar @ Miku took the brother of the informant from his house and slit his neck in association of other accused persons and dumped his dead body on the ground.

It is submitted by learned counsel for the appellant that appellant has no concern with the aforesaid case. He has been falsely implicated in the case due to animosity. There is no eyewitness to the alleged occurrence. It is further submitted that deceased was in love with some girl and due to which he might have been killed by the family members of the girl and due to animosity, the appellant has been falsely implicated in the case. The appellant has no criminal antecedent. Similarly situated co-accused namely Deepu Kumar @ Sandip Kumar has been enlarged on anticipatory bail by co-ordinate Bench of this Court vide Order dated 23.07.2019 passed in Cr. Misc. No.21846 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, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released 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 Exclusive Special Judge SC/ST, Gaya in connection with Muffasil P.S. Case No.12 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

amit/-

U		T	
---	--	---	--

