

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4776 of 2018

Arising Out of PS. Case No.-105 Year-2018 Thana- PATAHI District- East Champaran

-
-
1. Mithilesh Kumar @ Dara @ Lamboo, son of Late Baburam Raut @ Late Baburam Rai, resident of Village- Mahammadi, P.S. Patahi, District- East Champaran.
2. Rajvir Singh @ Chhotu, son of Sri Anil Singh, resident of village- Bisaha, P.S. Balmikinagar, District- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate
For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities Act, 1989 (As amended by Amendment Act, 2015 (Act No. 1 of 2016), against the refusal of prayer for bail by order dated 26.11.2018 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Patahi P.S. Case No. 105 of 2018, registered under Sections 302, 201, 392, 120-B of the Indian Penal code and Section 3(2 (va) of the SC /ST (Prevention of Atrocities) Act.

Informant has alleged in his written complaint that his brother Pramod Kumar had gone to Motihari on a car and



thereafter did not return and his dead body was found lying on Kalayanpur-Jandaha Road. The car was traceless.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case on suspicion only. Their names have surfaced in this case on the basis of confessional statement made by one Guddu Kumar and except said confessional statement there is no any other incriminating material found against the appellants. Appellants have no criminal antecedent and they are in custody since 20.07.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) 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 Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.
- (3) If the appellants tampers 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)

Rajiv/-

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

