

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.200 of 2019

Arising Out of PS. Case No.-125 Year-2016 Thana- RAFIGANJ District- Aurangabad

Santosh Yadav Late Ram Ishwar Yadav Resident of Village-Takara, P.S.-
Rafiganj, Dist.-Aurangabad (Bihar)

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 23-01-2019 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 01.12.2018 passed by the 1st Additional Sessions Judge -cum-Special Judge (SC/ST) Act, Aurangabad in connection with Rafiganj P.S. Case No.125 of 2016 registered under Sections 364 of the Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant, who is the father of victim boy has alleged in his written complaint that his son Rohit Kumar had left the house to visit the house of his *Mausi* and in the evening, he informed that he has reached the house but thereafter his mobile



was found switched off and when she went there they informed him that her son Rohit Kumar had not come there, thereafter, he came to know that he had gone to the residence of Chhotu Paswan and he informed that he left his residence on 09.07.2016 at 1:00 P.M stating that he is going to his house but thereafter never reached the house. Suspicion has been raised by the informant that his son had love affair with Sunita Kumari and both had eloped earlier and he suspects that appellant and other family members have kidnapped his son.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on suspicion only. FIR has been instituted after three months from the date of alleged missing of son of informant. Similarly placed co-accused, Vikash Yadav, has already been granted bail by this Court vide order dated 08.01.2019 passed in Criminal Appeal (SJ) No.4832 of 2018. Appellant has no criminal antecedent and he is in custody since 26.11.2018.

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

(3) If the appellant 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 appellant.

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

(S. Kumar, J)

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