

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4832 of 2018

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

VIKASH YADAV @ VIKASH KUMAR

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 08-01-2019

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 04.12.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, (SC/ST) Act, Aurangabad in connection with Rafiganj P.S. Case No. 125 of 2016 registered under Section 364 of the Indian Penal Code and Section 3 of the SC/ST 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 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 PM 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. Appellant has no criminal antecedent and he is in custody since 21.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with 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 his absence



on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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