

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.107 of 2019

Arising Out of PS. Case No.-262 Year-2018 Thana- ISLAMPUR District- Nalanda

Sudhir Kumar, Son of Kishori Mahto, Resident of Village - Saidpur, P.S.-
Silao, District - Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate Mr.Pramod Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 11-03-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 26.09.2018 passed by the 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Islampur P.S. Case No.262 of 2018 registered under Sections 302/34 of the Indian Penal Code and Section 3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged in his F.I.R. that on 22.07.2018, two persons including the appellant came to his house and one of them disclosed his identity as Sudhir Kumar (petitioner) who was working as advocate clerk in civil court



and both had meal in his house and requested his son to drop him at the residence of the Sarjug Mahto at village Rama Bigha and his son accompanied them but thereafter did not return in the night and when he went to the house of Sarjug Mahto he was told that appellant and other who has stayed in the house have left the house in the morning, however, subsequently, he found the dead body of his son lying near the road.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case only on the basis of suspicion and misunderstanding. The son of the informant met with a motorcycle accident as a result of which, he died. The damaged motorcycle was recovered by the police and even the postmortem reports suggest that it was an accidental death. Appellant has got no criminal antecedent and is in custody since 23.08.2018.

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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