

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5402 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- KONCH District- Gaya

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1. Krishna Paswan Son of Ram Nandan Paswan
 2. Rajesh Paswan Son of Krishna Paswan
 3. Umesh Paswan Son of Krishna Paswan
All Resident of Village- Utren, P.S.- Konch, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-12-2019

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 anticipatory bail vide order dated 20.11.2019 by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.294 of 2019, arising out of Konch Police Station Case No.200 of 2017, registered under Section 302 of the Indian Penal Code and Section 2(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellants are members of the scheduled caste.



According to FIR, the informant's father Parmeshwar Das left his house at 7:30 PM to go to bed at another house where animals were kept. On the way Parmeshwar Das was bitterly assaulted and his death was caused. Cousin brother of the informant, namely, Mukesh Das, informed about the occurrence to the informant. One Sonu Kumar had reported about the occurrence to Mukesh Das. The statement of Sonu Kumar is available with the case-diary at Para-9 wherein he stated that he heard about the murder of Parmeshwar Das and also heard that the petitioner and others were involved in the assault which resulted in death.

Submission is that in fact there is no evidence about the occurrence and the police had submitted final form. However, learned Chief Judicial Magistrate disagreed with the police report and took cognizance.

Considering the fact that there is no substantial material against the appellants, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below



where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2019
Transmission Date	NA

