

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.351 of 2020

Arising Out of PS. Case No.-477 Year-2019 Thana- GAYA MUFASIL District- Gaya

MITHU SAO Son of Gaya Sao @ Gaya Saw Resident of Village - Iguna
(Manjholi), P.S.- Muffasil, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No.2
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-02-2020 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 refusal of the prayer for bail by order dated 11.12.2019 in B.P. No. 354 of 2019, passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 477 of 2019, registered under Sections 364, 302, 120 (B) and 34 of the Indian Penal Code as well as Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the FIR would reveal that this is a case of suspicion of commission of murder. Suspicion against the appellant is for the reason that the deceased had gone on the



motorcycle of the appellant and thereafter he did not return. Suspicion against the others is that the deceased had fled away along with a girl of the family of those accused and for that reason they committed murder.

Considering the fact that only material against the appellant is suspicious, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) 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, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Ranjeet/Gaurav

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