

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.647 of 2020

Arising Out of PS. Case No.-420 Year-2019 Thana- KHAJEKALA District- Patna

PARPARBA @ MD. JAWED Son of Md. Isha @ Isha Miyan Resident of
Village - Sui Ki Maszid, P.S.- Khajekalan, District- Patna.

... .. Appellant.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellant	:	Mr. Harish Kumar, Advocate.
For the State	:	Mr. Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 15-07-2020

Heard learned counsel for the appellant and the learned
Additional Public Prosecutor for the State through Video
Conferencing.

2. This appeal under Section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, is directed against the impugned order dated 17.12.2019
passed by the Special Judge, SC/ST Act, Patna, rejecting the
petition of the appellant to grant him bail in Special Case
No.482 of 2019, arising out of Khajekalan P.S. Case No.420 of
2019, registered under Sections 302, 201 and 120(B) of the
Indian Penal Code and Sections 3(I)(r) 2(va) of the SC/ST
(Prevention of Atrocities Act).

3. The prosecution case, in brief, is that in the early



morning of 07.10.2019, the informant Umesh Choudhary came to know about lying of the dead body of his son Sagar Kumar inside the Mazaar Lane, then the informant went there and saw that his son Sagar Kumar was lying dead there and his head was crushed through stone like plate and stone was also lying there. The son of the informant in the preceding evening had gone for walking but he did not return. In the morning at about 03.00 A.M on 07.10.2019, Gaurav Kumar, the friend of Sagar Kumar, the son of the informant, had come to his house and handed over the mobile set of Sagar Kumar to Saurav Kumar, another son of the informant, saying that in the night, he and Sagar Kumar had fell down in the water and to save the mobile set from water, Sagar Kumar had handed over the said mobile set to him. Gaurav Kumar further disclosed that when in the night at about 12.00 O'clock, Sagar Kumar along with his friends Banti and Nanhki was present near the mosque, at that time, Shahrukh, the nephew (Bhagina) of Fenku alias Md. Shamim had come and made demand of 'Gutka' for which the scuffle took place, in which Sagar assaulted to Shahrukh, due to which Shahrukh became annoyed and moved from there to the house of his maternal uncle giving threatening. At that time, some persons came on 2/3 motorcycles and started scuffling with Sagar and



accompanied him boarding on motorcycle. Thereafter, Gaurav Kumar started the search of Sagar and, in the way, Badayam Bhaiya and Ranjan Bhaiya met him and they disclosed that Sagar was seen going towards his house. The informant also came to know from the persons present there that after scuffle in between his son Sagar Kumar and Shahrukh, Fenku alias Md. Shamim, the maternal uncle of Shahrukh, along with his friend Parparba alias Md. Jawed (appellant) had come and abused to Sagar Kumar. The informant raised suspicion that due to that reasons, the aforesaid persons committed the murder of his son Sagar Kumar.

4. Learned counsel for the appellant submits that it would appear from the F.I.R. that on mere suspicion, the appellant has been implicated in this case. While the witnesses, in paragraphs-17, 18 and 19 of the case diary, have stated the similar story as narrated by the informant in the F.I.R. but from their statements it is not clear that whether they are the eye witnesses of the occurrence. The appellant has no criminal antecedent and is in custody since 08.10.2019.

5. Having considered the facts and the circumstances of the case, the impugned order dated 17.12.2019 is set aside and this appeal is allowed. The appellant, above named, is



directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST Act, Patna, in connection with Special Case No.482 of 2019, arising out of Khajekalan P.S. Case No.420 of 2019.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2020.
Transmission Date	17.07.2020.

