

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.739 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- VIDYAPATINAGAR District- Samastipur

SHIV SHANKAR KUNWAR @ SHANKAR KUNWAR, S/o Jai Kant
Kunwar @ Jaykant Kuvann resident of village - Bharaul P.S - Bachhwara,
Distt. - Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 03-03-2020

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 the refusal of prayer for regular bail vide order dated 13.09.2018 in T.R. No. 741 of 2018/06/17 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Vidyapati Nagar P.S. Case No. 01 of 2017 registered under Sections 302, 109, 120(b)/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(2)(v) of the SC/ST Act.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against refusal of the prayer of the regular bail, is barred by limitation of 60 days. The delay is explained in I.A. No. 01 of 2019.

Hence, for substantial justice, the delay is condoned.

Accordingly, I.A. No. 01 of 2019 stands disposed of.



Submission is that appellant is not named in the FIR rather name of the appellant appeared in the confessional statement of co-accused named in the FIR. Appellant is in custody since 02.01.2017. Investigation of the case is already complete against the appellant.

Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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, subject to the following conditions:-

(a) 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.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellant shall not leave the country without permission of the learned trial court.

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

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

