

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3800 of 2019

Arising Out of PS. Case No.-456 Year-2018 Thana- NAWADA District- Nawada

GAUTAM KUMAR Son of Shivdani Prasad Resident of Village - Gotrine,
P.S.- Nardiganj, District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-02-2020 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 the refusal of prayer for bail by order dated 11.07.2019 in Spl. (H) Case No.122 of 2018 arising out of Nawada P.S.Case No.456 of 2018 passed by the learned Additional Sessions Judge 1st -cum- Special Judge, Nawada registered under Sections 363,365/34 of the Indian Penal Code, later on Sections 364,302,201,120(B) of the I.P.C.and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant is not named in the FIR rather one Chhotu Gupta is named in the FIR. In the confessional statement of Chhotu Gupta, name of the appellant surfaced.



Submission is that confession of the co-accused before the police is no evidence in absence of any other material to substantiate the allegation.

Finding substance in the submission aforesaid, 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 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)

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