

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5222 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- KAUWAKOL District- Nawada

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ARUN KUMAR DIWAKAR @ ARUN KUMAR @ ARUN YADAV Son of
Late Ambika Prasad Yadav Resident of Village - Manniyantari, P.S.- Kauakol,
Dist. - Nawada, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Avanish Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-02-2020 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 anticipatory bail vide order dated 18.10.2019 by the learned 1st Addl. Sessions Judge cum Special Judge, Nawada in A.B.P. No. 1405 of 2019, arising out of Kawakol P.S. Case No. 148 of 2019 registered under Sections 363 and 364 of the Indian Penal Code. Later on Sections 302, 201 and 120B IPC and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added.

F.I.R. was lodged against unknown after recovery of the dead body of a member of the scheduled caste. Informant is



not a member of the scheduled caste. Name of the appellant has surfaced in the confessional statement of the co-accused.

Submission is that confessional statement before the police while in police custody is no evidence unless corroborated by other reliable evidence.

Considering the aforesaid submission, let the appellant, above named, in the event of his 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) 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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) 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.

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

Accordingly, the impugned order is set aside and the



appeal is allowed.

(Birendra Kumar, J)

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