

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1037 of 2021**

Arising Out of PS. Case No.-224 Year-2019 Thana- MAIRWAN District- Siwan

PRINCE PANDEY, Son of Prabhakar Pandey, Resident of Village - Kabita,
P.S.- Mairwa, District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate.

For the Respondent/s : Mr. Binay Krishna, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

6 02-08-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court.

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 vide order dated 16.10.2020 passed by the learned 1st Addl. Sessions Judge cum Special Judge, Siwan in Mairwa P.S. Case No. 224 of 2019 registered under Sections 326/307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. is against unknown. The appellant was arrested in connection with some other case and confessional statement of the appellant was extracted, wherein the appellant



admitted his involvement in the present case. Besides confession before the police while in police custody, there is no other material against the appellant and aforesaid statement cannot be proved as evidence in view of the bar under Sections 25 and 26 of the Evidence Act. Appellant is in custody since 25.04.2020.

Considering the facts aforesaid, let the appellant, above named, 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, with 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 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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