

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1202 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. AMIT BHAGAT
2. Anuj Bhagat @ Anuj Kumar Bhagat (In F.I.R. Sumit Bhagat @ Annu, in forwarding report Anuj Bhagat @ Sumit @ Annu).
Both Sons of Shri Manoj Bhagat, Residents of Village- Khesar, P.S.- Belhar (Khesar), District- Banka. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s	:	Mr.Udbhav, Adv
For the State	:	Ms. Usha Kumari,APP
For the Informant	:	Mr. Pramod Kumar Thakur, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 12-04-2021 Let the defects be removed within two weeks of the start of the physical Court.

Heard learned counsel for 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 by order dated 24.12.2020 in G.R.Case No.129 of 2020 arising out of Shambhuganj P.S.Case No.282 of 2020 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Banka, registered under Sections 302,201,120(B)/34 of the Indian Penal Code, and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellants are in custody since 06.10.2020 and



13.11.2020. Investigation against the appellants is already closed.

According to FIR, Diwakar Chaudhary, the brother of the informant, was a driver of Pick-Up Van. Registration No. whereof is mentioned in the FIR. The said Pick-Up Van caused road accident and injury to a person. The infuriated villagers caught the driver and its cleaner-Vikash Yadav and assaulted them and thereafter hide them. After much efforts, the cleaner was released. However, for release of the driver, they demanded Rs.55,000/-. In the next morning, dead body of the driver was found and thereafter it is mentioned that the named persons including the appellants are under suspicion.

Learned counsel for the appellants submits that there is no eye witness of the occurrence, who has seen the appellants alongwith the deceased. Only on suspicion, the appellants have been roped in this case. Investigation of the case is already complete. They are ready to cooperate with the trial.

Learned counsel for the informant opposed the prayer for bail on the ground that during investigation in the statement of the cleaner, name of the appellants has surfaced.

Since the cleaner was released at once by the villagers, who had caught the driver and cleaner, there is no



question that the cleaner would see what had happened with the driver in his absence, hence let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each 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 appellants shall fully cooperate with the investigation/trial of the case and also the appellants shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

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