

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1357 of 2021**

Arising Out of PS. Case No.-431 Year-2019 Thana- ATRI District- Gaya

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JAVED KHAN @ JABED KHAN Son of Chand Rashid Khan Resident of
Village- Dihuri, P.S.- Atari, District - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr Binod Kumar Singh, Advocate
For the Respondent/s : Ms Usha Kumari I, Special PP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-04-2021

This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the appellant and the learned
Special PP for the State.

2 The appellant has preferred the present Appeal under
Section 14 A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (for brevity, SC/ST Act)
against the refusal of his prayer for regular bail vide order dated
23.09.2020 passed by Special Judge, SC/ST Act, Gaya in a case
registered under Sections 302, 120B, 201/34 of Indian Penal Code
and Sections 3 (i) (r) (s) (u) of SC/ST Act in connection with Atri
Police Station (for brevity, PS) Case No 431 of 2019.



3 Prosecution case alleges that there was fight and exchange of hot abusive words between the informant's son and co-accused Kabir Khan on 27.09.2019. Thereafter, the informant's son became traceless. On 06.10.2019, his dead body was found in a field.

4 Appellant's counsel submits that having no criminal antecedent, the appellant surrendered in the Court below on 23.09.2020 and since then he is in custody. Implication of the appellant is on extraneous considerations, or at best based on suspicion.

5 Learned Special PP for the State has opposed the prayer for bail.

6 In my opinion, a case for grant of regular bail is made out. The impugned order dated 23.09.2020 requires interference by this Court, which is, accordingly, set aside.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 23.09.2020 passed by Special Judge, SC/ST Act, Gaya in connection with Atri PS Case No 431 of 2019 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special



Judge, SC/ST Act, Gaya in Atri PS Case No 431 of 2019 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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