

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1829 of 2021**

Arising Out of PS. Case No.-175 Year-2020 Thana- PALIGANJ District- Patna

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SURENDRA KUMAR S/O BINDESHWAR PRASAD @ BINDESHWAR
PRASAD YADAV R/o village- Daulatpur, P.S.- Karauna, District- Jahanabad

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Shankar Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-07-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2015 against the refusal of prayer for bail by
order dated 08.01.2021 passed by the learned Additional
Sessions Judge-III-cum Special Judge (SC/ST), Patna in
connection with Special Case No. 246 of 2020 arising out of
Paliganj P.S. Case No. 175 of 2020 registered under Sections
302, 34, 379 of the I.P.C., and Section 3(2) of the SC/ST Act.



Though there is no eye witness of the occurrence. The mobile phone of the deceased was recovered from possession of the appellant. Hence, the appellant is under suspicion to be involved in the murder. Appellant has stated on oath that he has got no criminal antecedent. Appellant is in custody since 31.05.2020. Investigation of the case is already complete.

In my view, there is no sufficient material against the appellant for further detention as under trial prisoner in a case wherein investigation of the case is already complete. Hence, 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 dated 08.01.2021



passed in Special Case No. 246 of 2020 arising out of Paliganj
P.S. Case No. 175 of 2020 is set aside and the appeal is allowed.

(Birendra Kumar, J)

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