

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.961 of 2022**

Arising Out of PS. Case No.-1068 Year-2021 Thana- ARA NAWADA District- Bhojpur

Vinit Kumar @ Golu @VINDI Son Of Vijay Shankar Prasad Resident Of Village- New Shital Tola, Ward No. 38, P.S.- Ara (NAWADA), District- Bhojpur At Ara (BIHAR)

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan Son Of Late Raj Kumar Paswan Resident Of Mohallah- Sri Tola, Ward No. 36, P.S.- Ara Nawada, District- Bhojpur At Ara (BIHAR)

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Uday Kumar, Advocate  
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 04-08-2022**

Heard learned counsel for the appellant and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 26.02.2022 passed by the learned Ist Additional Sessions Judge, Bhojpur, Ara, in connection with Ara, Nawada P.S. Case No. 1068 of 2021 registered for the alleged offences



under Sections 302 and 34 of the Indian Penal Code and Sections 3(2) (v) of the SC/ST (Prevention of Atrocities) Act.

As per prosecution case, the nephew of the informant was murdered and informant has named the petitioner and co-accused Sandeep Kumar along with some unknown persons who killed his nephew.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The informant is not an eye witness to the alleged occurrence. So it is clear that merely on suspicion, the appellant has been named in this case. The appellant is said to be present with co-accused when the co-accused called the deceased on his phone. The FIR has been registered after preparation of inquest report which indicates that the FIR is the result of after-thought and deliberation. Moreover, none of the witnesses during investigation has stated about appellant being seen in the company of the deceased and co-accused person. Nothing incriminating has been recovered at the instance of this appellant. Charge sheet has been submitted in this case and the appellant is in custody since 26.11.2021.

Learned counsel appearing on behalf of the informant as well as learned APP for the State opposes the submission



made on behalf of the appellant and it has been further submitted by the learned counsel appearing on behalf of the informant that in the FIR and in the statement of the witnesses, this appellant has been named as one of the assailants who caused the death of the nephew of the informant.

Perused the records.

Having regard to the submission made on behalf of the parties and further considering the absence of any cogent material to connect this appellant with the alleged crime and further considering submission of charge sheet as well as period of custody of this appellant, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Bhojpur, Ara in connection with Ara, Nawada P.S. Case No. 1068 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court



below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

The impugned order is set aside and the appeal stands allowed in terms of the aforesaid order.

**(Arun Kumar Jha, J)**

Gautam/-

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| AFR/NAFR          | NAFR       |
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