

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1056 of 2023**

Arising Out of PS. Case No.-257 Year-2022 Thana- BAKHARI District- Begusarai

Vikesh Kumar Son Of Umesh Mahto, Resident of Village-Ahmedpur
(Shivnagar), P.S.- Bakhri, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Kishor Sada Son of Late Jivach Sada R/V- Sadipur (Rampur), P.S.-
Bakhri, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for regular bail by order dated 21.01.2023 passed by the learned Special Judge SC/ST Act, Begusarai, in connection with Bakhri P.S. Case No. 257 of 2022 registered under Sections 302, 376, 120(b)/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va)(v) of SC/ST Act, 1989.

As per prosecution case, in brief, is that the informant who is father of the victim girl lodged his written report alleging



therein that on 07.08.2022 at about 4 A.M. his daughter aged about 20 years, went to attend nature call and not returned, thereafter search was made, later on some villagers disclosed that she was murdered and her dead body is lying in the orchard then they reached at the place of occurrence and found that she was murdered by unknown criminal.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that appellant is not named in the F.I.R. and the name of the appellant has been transpired during investigation on the basis of self confessional statement of the appellant and there is no eye witness of the alleged occurrence. He further submits that the postmortem report of the victim does not support the allegation as alleged in the F.I.R. and except the self confessional statement of the appellant, no other cogent material has come during investigation against the appellant to suggest the involvement in the present occurrence. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 26.08.2022.

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor



have vehemently opposed the prayer for bail of the appellant on the basis of material available on the record and case diary submits that the SIM card of the petitioner was found in the mobile of the deceased.

Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Begusarai in connection with Bakhri P.S. Case No. 257 of 2022, subject to the following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the



appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 21.01.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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