

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2002 of 2023

Arising Out of PS. Case No.-309 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

MOHAN KUMAR Son of Binod Tanti @ Vinod Tanti Resident of Village -
Sadpur, P.S.- Sahebpur Kamal, District - Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. 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 21.03.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with S.Kamal P.S.Case No.309 of 2021 registered under Sections 302/120(B) of the Indian Penal Code and Sections 3(2)(V) of SC/ST (POA) Act.

3. The FIR of the occurrence of murder is against unknown.

4. Learned counsel for the appellant submits that the



appellant has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. Initially, the appellant was not named in the FIR. The name of the appellant has been transpired on the basis of re-statement of the mother of the deceased in which she has claimed that she has over heard that the mother of the co-accused Dilkhush Kumar was talking with another lady disclosing the fact that her son alongwith others were involved in the present crime in question. Learned counsel for the appellant submits that except the suspicion, no other material has come during investigation against the appellant to suggest the involvement of the appellant in the present occurrence and with regard to C.D.R location the appellant is resident of the same locality and both the parties are gotiyas and they are living in the same locality so C.D.R. location is correctly shown that the appellant was present in that area and the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 08.11.2022.

5. The learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellant.

6. 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with S.Kamal P.S.Case No.309 of 2021, subject to the following conditions:-

I. 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.

II. 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.

III. 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.

7. Accordingly, the impugned order dated 21.03.2023 is
set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

