

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4970 of 2023

Arising Out of PS. Case No.-120 Year-2021 Thana- TEGHRHA District- Begusarai

Vikash Kumar Rai @ Vikash Kumar @ Vikash Kumar S/O Balram Rai @
Balram Singh, Resident of Village- Gaura 01, (Goura) Ward No. 13,
Bishanpur Tola, P.S. Teghra District - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Paswan S/O Late Tuntun Paswan Resident of Village- Gaura-1, Ward
No. 7, P.S. Teghra, District - Begusarai

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 01-03-2024

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

2. This is the 2nd attempt of the appellant to seek bail
from this Court as his prayer for bail was earlier rejected vide
judgment dated 08.09.2022 passed in Criminal Appeal (SJ) No.
1485 of 2022.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 15.09.2023 passed by learned Exclusive Special
Judge of SC/ST (POA) Act, Begusarai in connection with



Teghra P.S. Case No. 120 of 2021, registered on 13.04.2021, for the alleged offences under Sections 341, 323, 302, 385, 504, 506/34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant and other co-accused persons shot dead the father of the informant. The occurrence took place in the background of demand of extortion money.

5. The learned counsel for the appellant submits that the appellant is in custody since 11.02.2022 and till date out of 6 witnesses, 4 have been examined but none of them have supported the prosecution case. These witnesses are three sons of the deceased including the informant. Learned counsel further submits that the informant has specifically deposed that there was no role of this appellant in the case. Apart from family members, a co-villager was also examined. He has also not supported the prosecution case. Learned counsel further submits that there has been case and counter case between the parties and the informant side put the house of the appellant on fire in the background of earlier dispute. After examination of the witnesses including the informant and sons of deceased, nothing remains in the matter.



6.Learned Spl.PP opposes the submission made on behalf of the appellant. Learned Spl. P.P. submits that the case is still pending at the stage of evidence of the prosecution witnesses.

7. Perused the records.

8.Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the informant and other sons of the deceased in their deposition have not supported the prosecution case which creates serious doubt over the involvement of the appellant, the appellant above named is directed to 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 learned Exclusive Special Judge of SC/ST (POA) Act, Begusarai in connection with Teghra P.S. Case No. 120 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, preferably one of the parents.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on 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.

9. Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2024
Transmission Date	01.03.2024

