

(2021) 10 RAJ CK 0087

In the Rajasthan High Court

Case No : S. B. Criminal Appeal No. 744 Of 2021

Kishan Kumar @ Pandu S/O Shri Shiv Narayan

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 06-10-2021

Acts Referred:

Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Amendment Act, 2015 — Section 14A

Indian Penal Code, 1860 — Section 147, 148, 149

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v)

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 10 RAJ CK 0087

Hon'ble Judges : Rameshwar Vyas, J

Bench : Single Bench

Advocate : Kaushal Guatam, Sudhir Tak, Arjun Nayak

Final Decision : Allowed

Judgement

Rameshwar Vyas, J

The instant criminal appeal has been filed under Section 14A of the S.C./S.T. (Prevention of Atrocities) Act, 2015 on behalf of the appellant, who is in custody in connection with F.I.R. No. 146/2021, Police Station Gangashahar, District Bikaner for the offences under Sections 307, 341, 323, 147, 148 & 149 of I.P.C. and Section 3(2)(v) of S.C./S.T. (Prevention of Atrocities) Act against the Order dated 19.08.2021 passed by the Special Judge, S.C./S.T. (Prevention of Atrocities) Act Cases, Bikaner whereby the bail application preferred under Section 439 of Cr.P.C. on behalf of the appellant was rejected.

Heard learned counsel for the appellant, learned Public Prosecutor and the respondent No. 2/complainant through video conferencing from jail. Perused the material available on record.

Learned counsel for the appellant submits that the appellant has not been named

in the F.I.R. He further submits that the co-accused Yuvraj has been enlarged on bail by the trial court vide Order dated 20.07.2021 passed in Criminal Misc. Bail Application No. 86/2021. The co-accused Roopraj alias Roopchand has also been enlarged on bail by the trial court vide Order dated 27.07.2021 passed in Criminal Misc. Bail Application No. 101/2021. He, therefore, prays that the appeal of the appellant may be allowed and he may also be enlarged on bail.

Learned Public Prosecutor and the respondent No. 2/ complainant opposes the appeal.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced and the fact that the co-accused have already been released on bail by the trial court, without commenting upon the merits of the case, this Court is of the opinion that the appeal filed by the appellant deserves to be accepted.

Consequently, the instant criminal appeal is allowed. The impugned Order dated 19.08.2021 passed by the Special Judge, S.C./S.T. (Prevention of Atrocities) Act Cases, Bikaner is set aside. It is ordered that the accused-appellant - Kishan Kumar @ Pandu S/o Shiv Narayan arrested in connection with F.I.R. No. 146/2021, Police Station Gangashahar, District Bikaner shall be released on bail provided he furnishes a personal bond of Rs.50,000/- (Rupees: Fifty Thousand Only) and two sureties of Rs.25,000/- (Rupees: Twenty Five Thousand Only) each to the satisfaction of the trial Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.