

Arising from the above, the following questions are posed:

1. Ajay Govind

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Appear

1. Ajay Yadav @ Jai Yadav S/o Bodhi Yadav Resident of village-Govindpur, P.S. Bind, District- Nalanda.

Versus

.... Respondent/s

For the Appellant/s : Mr. Vikramdeo Singh, Adv.
Mr. Pramod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2. This appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed against the order dated 20th August, 2016 passed by the learned 1st Additional Sessions Judge, Nalanda at Bihar Sharif in B.P. No. 11 of 2016, whereby the bail application of the appellant in connection with Bihar P.S. Case No. 339 of 2014 registered under Sections 147, 148, 149, 323, 341, 379, 307, 427, 447, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(x) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 has been rejected.

3. It is contended that in the FIR 14 persons have been named and 50 unknown persons are also alleged to have participated in the offence. The appellant is not named in the FIR. The police arrested him on 1st August, 2016 in connection with the abovesaid case. It is further contended that the allegation of overt act in the FIR is general and vague and the named accused persons, namely, Md. Arman and Guddu Mahto @ Ajit Kumar have already been granted bail by different Benches of this Court vide orders, as contained in Annexures-4 and 5 to the present application.

4. On the other hand, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellant. He has submitted that the name of the appellant has figured in course of investigation as the informant has alleged that apart from named accused 50 unknown persons had also participated in the occurrence. However, he concedes that Md. Arman and Guddu Mahto @ Ajit Kumar, who were named in the FIR have been allowed bail by this Court.

5. Regard being had to the nature of the offence as also the other facts noticed above, the impugned order dated 20th August, 2016 passed by the learned 1st Additional Sessions Judge,



Nalanda at Bihar Sharif in B.P. No. 11 of 2016 is set aside. The appellant Ajay Yadav @ Jai Yadav directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 339 of 2014, subject to the conditions that:

- (A) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) If the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) The petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his

lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

The appeal stands allowed.

(Ashwani Kumar Singh, J)

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