

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.868 of 2016

Arising Out of PS.Case No. -155 Year- 2016 Thana -BAHERI District- DARBHANGA

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1. Suresh Yadav alias Suresh Singh Son of Late Nageshwar Yadav.
 2. Indrajeet Yadav Son of Ram Sewak Yadav.
 3. Indrajeet Yadav, Son of Late Damodar Yadav.
 4. Rajiv Yadav Son of Late Damodar Yadav. All are resident of Village-Jorja, Police Station- Baheri, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Girish Chandra Jha
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 18-11-2016 The appellants are aggrieved by rejection of their regular bail application by an order dated 22.09.2016 passed by the learned First Additional Sessions Judge, Darbhanga in Bail Petition No. 678 of 2016 arising out of Baheri P.S. Case No. 155 of 2016 registered for the offences punishable under Sections 147,148,149,341,323,504,324,307,379, 120B of the Indian Penal Code and Sections 27 of the Arms Act as well as Section 3(i) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the present appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel appearing on behalf of the appellants has submitted that there are altogether 19



persons named in the First Information Report against whom there is allegation of making assault variously. He has submitted that for the same occurrence, on the basis of counter version, another First Information Report bearing Baheri P.S. Case No. 156 of 2016 has been registered on given by appellant No.3. According to him, since the appellants have remained more than three months in custody, no purpose would be served if they are allowed to remain in custody any further since presumably, the investigation must have been completed by now. According to him, there is no likelihood that the appellants shall flee from the course of trial if allowed on regular bail. These aspects, according to him, have not been duly appreciated by the learned Court below.

3. I find force in the submission made by the learned counsel appearing on behalf of the appellants. The order refusing regular bail dated 22.09.2016, passed by learned First Additional Sessions Judge, Darbhanga, needs interference, which is accordingly set aside.

4. This appeal is, accordingly, allowed. Let the appellants above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Darbhanga in

Baheri P.S. Case No. 155 of 2016.

(Chakradhari Sharan Singh, J)

