

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1221 of 2017

Arising Out of PS.Case No. -256 Year- 2016 Thana -DINARA District- SASARAM (ROHTAS)

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Kashinath Yadav S/o Late Hardeo Yadav Resident of Village-Bhanas, P.O,
Belwaniya P.S. Dinara, District Rohtas

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gopal Pandey
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-05-2017 Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against an order dated 9.3.2017 passed by 1st Additional District and Sessions Judge, Rohtas, Sasaram in Dinara P.S. Case No. 256 of 2016 registered for the offence punishable under Sections 427, 34 I.P.C. and 3(1) (g) of S.C. and S.T. (Prevention of Atrocities) Act, whereby prayer for bail of the appellant has been rejected.

Allegation, as per the F.I.R., against the sole appellant is that he used to damage paddy of the informant last year as well as this year, causing damage to the informant and they are landless person and land has been provided by the



Government. It also appears that the informant also belong to Scheduled caste.

It has been submitted on behalf of the appellant that whole allegation is false and concocted due to village dispute. He is in custody since three months and except Section 3(1) (g) of S.C. & S.T. (PoA) Act all sections of I.P.C. mentioned in F.I.R. is bailable. Allegation is general and omnibus.

Heard learned Special P.P. also.

Having heard both sides and in view of the fact that there is general and omnibus allegation, let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge, Rohtas at Sasaram, in Dinara (bhanas) P.S. Case No.256/16, subject to the conditions that:

- (i) the bailers of the appellant should be his close relatives having sufficient immovable properties within the jurisdiction of the concerned court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall cooperate in the



disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason and without permission of the court, the prosecution is free to move for cancellation of his bail.

Accordingly, instant appeal is allowed. The impugned order dated 9.3.2017 passed by the learned 1st Additional District and Sessions Judge, Rohtas, at Sasaram in Dinara P.S.Case No.256/2016 is set aside.

(Vinod Kumar Sinha, J)

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