

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1230 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -PIPRA District- PATNA

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Shailendra Kumar @ Shailendra Yadav, S/o Rameshwar Prasad @
Rameshwar Yadav, Resident of Village- Raushan Chak, P.S.- Pipra,
District- Patna.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha, Advocate

For the Informant : Mr. Sunil Kumar Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-07-2017 Heard learned counsel for the appellant and learned
Special P.P., including learned counsel for the informant.

This appeal has been filed for setting aside the order dated 20.3.2017 passed by learned Special Judge, SC/ST Act, Patna in B.P. No. 361 of 2017, arising out of Pipra P.S.case No. 05 of 2016 instituted under Sections 364, 302, 379/34 of the Indian Penal Code and Section 3(ii)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of bail to the appellant.

Appellant is not named in the FIR and later on his name transpires during course of investigation.

It has been submitted on behalf of the appellant that



except confessional statement of co-accused there is nothing against the appellant and he is in custody since 1.12.2016. It has further been submitted that one co-accused having similar allegation has been granted bail in Cr.Appeal (SJ) No. 1112 of 2017, vide order dated 23.6.2017.

Learned counsel for the informant has opposed the prayer for bail on the ground that charge has been framed but appellant is not co-operating in disposal of trial and taking time.

Having heard both sides and in view of facts and circumstances, as stated above, let the appellant, named above, be enlarged 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 Special Judge, SC/ST Act, Patna, in connection with Special Case No. 165 of 2016, arising out of Pipra P.S.Case No. 05 of 2016, subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, he will co-operate in 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 any date without showing any genuine reason, or without permission of the court, his bail bond shall be cancelled and further he will not induce any witness or tamper with the



evidence.

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

(Vinod Kumar Sinha, J)

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