

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2868 of 2017

Arising Out of PS.Case No. -152 Year- 2015 Thana -DHARHARA District- MUNGER

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Vilakshan Yadav, S/o Late Subit Yadav, resident of Village- Kudratabad,
P.S.- Dharhara, District- Munger.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Syed Mohammad Shabbir Alam
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 29-11-2017 The appellant has challenged the order dated 08.08.2017 passed by learned Additional District Judge-I-cum-Special Judge, Munger in connection with Dharhara P.S. Case No. 152 of 2015, instituted for the offences under Sections 147, 148, 149, 302 of the Indian Penal Code and Sections 3(x)(ii)(v) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for bail of the petitioner was rejected.

The informant is the wife of one of the deceased. She has alleged in the F.I.R that on 27.09.2015 at about 9:00 P.M, her husband Anil Choudhary (one of the deceased) had come home along with Rajiv Choudhary (another deceased) and communicated to the informant that the accused persons including the appellant had snatched the country made liquor from them and



did not pay any money. At about 12:30 A.M in the night, both the aforesaid persons viz. husband of the informant and his associate went out of the house to realize money from the accused persons who had taken away the country made liquor, but they did not return. On the next day, the dead bodies of both of them were found on the road.

During the course of investigation, no definite material could be collected against the appellant. In fact, some of the persons who have been named in the F.I.R, gave statement before the police that they had participated in the occurrence and had assaulted both the deceased persons by fists, slaps, lathi, danda etc. The investigation paper reveals another story. The deceased persons were taken to be miscreants and were therefore assaulted by the villagers.

Be that as it may be, no specific act has been attributed against the appellant.

Learned counsel for the appellant, however has submitted that two of the similarly situated accused persons have been granted regular bail by coordinate Benches of this Court.

The appellant is in custody since 17.03.2017.

Taking into account the aforesaid facts, the order dated 08.08.2017 is set aside.



The appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, 1st-cum-Special Judge, Munger in connection with Dharhara P.S. Case No. 152 of 2015.

(Ashutosh Kumar, J)

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