

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1390 of 2016

Arising Out of PS.Case No. -360 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Rama Kant Kumar Yadav, son of Late Bigan Yadav, residents of Village-
Jaysinghpur, Police Station- Turkaulia, District- East Champaran.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Zeyaul Hoda

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 07-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order dated 24.11.2016 passed by 1st Additional Sessions Judge, East Champaran, Motihari, in ABP No. 2523 of 2016, arising out of Turkaulia P.S.case No. 360 of 2016 registered under Sections 341, 323, 353, 382, 383, 504, 506 of the Indian Penal Code and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellant..

Allegation as per FIR is that while amount of scholarship was distributed on 10.8.2016 some accused persons came and abused the Headmaster by taking his caste name and thereafter tried to loot away the amount and when police case the



accused persons were arrested. Allegation against the appellant is that he has conspired with the other accused persons in the occurrence.

It has been submitted on behalf of the appellant that FIR itself shows that except general and omnibus allegation there is nothing specific against the appellant and he was on leave on that day and he has been falsely implicated in this case.

Learned Special P.P. could not draw my attention towards any other fact except what has been stated in the FIR.

Having heard both sides and in view of facts and circumstances, as stated above, the appeal is allowed and the impugned order is set aside.

Let the appellant, named above, surrender in the court below within four weeks and on his so surrendering he shall be released on bail by the court below 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 Chief Judicial Magistrate, East Champaran, Motihari, in connection with Turkaulia P.S. Case No. 360 of 2016, subject to the conditions that one of the bailors should be a local person having sufficient immovable 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 two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail and further he will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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