

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1897 of 2017

Arising Out of PS.Case No. -433 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Birendra Yadav, son of Bishnudeo Yadav, resident of village Kallar Tola,
P.S. Muffasil, District Khagaria

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Vivekanand Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order dated 13.6.2017 passed by Sri Ashok Kumar, 1st Additional Sessions Judge, Khagaria, in Regular Bail Application filed by the appellant, arising out of Khagaria Muffasil P.S.case No. 433 of 2016 instituted under Sections 147, 148, 149, 341, 323, 386, 354 of the Indian Penal Code, 27 of Arms Act and 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of bail to the appellant.

Allegation as per FIR against the appellant is that he demanded extortion and abused the informant by taking his caste name.

It has been submitted on behalf of the appellant that prior to lodging of present case wife of one co-accused has lodged a case against son of the informant, as such, in order to pressurize upon the appellant the present case has been filed. It has further been submitted that during the course of investigation the allegation of demanding extortion was not found true against the



appellant and he is in custody for about two months.

Learned Special P.P. could not controvert the above submission.

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 Sri Ashok Kumar, 1st Additional Sessions Judge, Khagaria, in connection with Khagaria Muffasil P.S. Case No. 433 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 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.

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

(Vinod Kumar Sinha, J)

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