

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1405 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -SC/ST District- ARRARIA

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Surendra Prasad Yadav S/o Kamaleshwari Prasad Yadav, R/o village
karweli, P.S. Kumarkhand, District- Madhepura.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-07-2017 The appellant seeks bail in connection with Araria
SC/ST P.S. Case No. 01 of 2017 registered for offences
punishable under sections 147, 148, 149, 341, 323, 324, 307,
354(B), 379, 427, 448, 364, 504, 506 of the Indian Penal Code
and under Sections 3(1)(r)(g)(s)(v) and 3(2)(v) of SC/ST (POA)
Act.

Allegation against the appellant and other co-accused
is that accused person, named in FIR were fishing in the pond
situated in the land owned by husband of the informant which
stand in the name of grand father-in-law of the informant and
when husband of the informant stopped them, the accused persons
threatened him on the point of gun. On 01.01.2017 the accused
persons again came over the land armed with deadly weapons and
started fishing and on protest they abused her husband by calling



his caste name. When her husband try to hide in a house of another person, accused persons by entering in said house, dragged and brought her husband outside from the house and assaulted with axe, due to that assault her husband died on the spot. The accused persons looted her household articles, goat and Yamaha Motorcycle.

Learned counsel for the appellant submitted that appellant is not named in the FIR, it appeared during the course of investigation and other is only general and omnibus in nature and no specific allegation has been attributed against him. The appellant has been in custody for about four months.

Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let 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 learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Araria in connection with Araria SC/ST P.S. Case No. 01 of 2017, subject to the following conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



(ii) The appellant will not adduce 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 reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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