

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1208 of 2017

Arising Out of PS.Case No. -74 Year- 2016 Thana -RAGHUNATHPUR District- SIWAN

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Sanjay Yadav, Son of Shiv Janam Yadav, Resident of Village- Rajpur Tole,
Baluwapar, P.S.- Raghunandanpur, District- Siwan.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-05-2017

Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against an order dated 23.03.2017 passed by the learned Special Judge-cum-Additional Sessions Judge-1, Siwan, in Special Sessions Case No.13/17 arising out of Raghunathpur P.S. Case No.74 of 2016 registered for the offence punishable under Sections 302, 201 of I.P.C. and Section 3(2) (5) SC/ST Act whereby and whereunder prayer for regular bail made on behalf of the appellant has been rejected.

Allegation, as per the F.I.R., against this appellant is that he had taken the deceased who happened to be the husband of the informant and later on his dead body was found.



It has been submitted on behalf of the appellant is that there is suspicion and last seen against the appellant and he has been falsely implicated in this case. Though it has been submitted that this appellant is accused in four criminal cases. But he is on bail in all cases. He is in jail custody.since 11.11.2016.

Heard learned Special P.P. also.

Having heard both sides and in view of the fact that the there is except the fact that there is suspicion, appellant is in custody for more than six and half year, let the 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 the Special Judge-cum- 1st Additional Sessions Judge, Siwan in Raghunathpur P.S. Case No.74/16, subject to the conditions that:

- (i) The bailers of the appellant should be his close relatives having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce 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 reason and without permission of the court, the prosecution is free to move for cancellation of his bail.

Accordingly, instant appeal is allowed. The impugned order dated 23.03.2017 passed by the learned Special Judge-cum- Additional Sessions Judge-1, Siwan in Special Sessions Case No.13/17 arising out of Raghunathpur P.S. Case No.74/16 is set aside.

(Vinod Kumar Sinha, J)

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