

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1803 of 2018

Arising Out of PS.Case No. -32 Year- 2018 Thana -KAUAKOL District- NAWADA

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1. Bipin Yadav, Son of Baleshwar Yadav.
2. Ajay Yadav, Son of Sohar Yadav. Both Resident of Village- Pansagwa, P.S.-
Kawakole, District- Nawada.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sinha, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 20.03.2018 by the learned 1st Additional Sessions Judge-Cum-Special Judge, Nawada, in connection with Special (H) Case No.25 of 2018 arising out of Kawakole Police Station Case No.32 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code, and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is general and omnibus allegation against seven FIR named accused persons including the appellants to



have committed assault against father of the informant, as a result whereof, he died on the spot. The Doctor has found head injury, as cause of death.

Submission is that the allegation is not specific as to which of the accused had caused two head injuries, which were laceration. Moreover, the appellants are in custody since 22.02.2018.

Considering the entire facts of this case, let the appellants, above named, be released on bail **on completion of nine months of custody, if the trial is not concluded in the meantime** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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