

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2122 of 2018

Arising Out of PS.Case No. -79 Year- 2018 Thana -RAJNAGAR District- MADHUBANI

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1. Prayag Yadav, Son of Ram Charan Yadav @ Ram Varan Yadav, Resident of Village- Mehinathpur, P.S.- Rajnagar, District- Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-07-2018

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 22.05.2018 in G.R. No.42 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Madhubani, in connection with Rajnagar Police Station Case No.79 of 2018 registered under Sections 143,302,120(B),504 of the Indian Penal Code and Section 3(2)(v)va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though the FIR would reveal that several persons were assaulting to the deceased at public place. However, the



case diary reveals that no eye witnesses supported the aforesaid occurrence. Only material is telephone call of the deceased to the informant, whereby he informed that named persons including the appellant were assaulting her.

Submission is that in fact the deceased has some relation with Bharti Kumari, the daughter of Dayaram Yadav and that might be a reason of commission of suicide by the deceased as he was found hanging with a tree. Thereafter, false case has been lodged. The Doctor has found contusion around the neck of the deceased as external injury. According to the opinion of the Doctor, strangulation was cause of death.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that medical report is not corroborated by ocular evidence and the same is inconsistent with the prosecution allegation of commission of assault to the deceased by several persons. Hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) 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 appellant 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 appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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