

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2598 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PURNIA

- =====
1. Shambhu Yadav @ Shambhu Kumar Yadav, Son of Bindeshwari Yadav,
 2. Mahendra Yadav, Son of Late Jiya Lal Yadav, Both resident of Village - Sarsi,
Police Station - Sarsi, District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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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 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 20.06.2018 in Special SC/ST Case No. 173 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Purnea in connection with Sarsi P.S. Case No. 32 of 2016 registered under Sections 302, 201/34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

The FIR was lodged on recovery of the dead body of the son of the informant whose murder was committed. The appellants are under suspicion.



The impugned order was passed after perusal of the case diary which would reveal that there is no eye-witness of the occurrence before the police.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the fact that only material against the appellants is suspicion, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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