

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.191 of 2018

Arising Out of PS.Case No. -40 Year- 2017 Thana -BELAGANJ District- GAYA

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1. Vijay Yadav, S/o Late Rameshwar Yadav,
2. Guddu Yadav @ Upendra @ Bhupendra Yadav, S/o Rajnath Yadav,
3. Gaya Yadav @ Dharendra Yadav S/o Vijay Yadav,
4. Balam Yadav S/o Ramdev Yadav, All are R/o Village- Kharagpur, Tola-
Girdhari Bigha, P.S.- Belaganj, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kunwar Narayan Jamuar, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in Belaganj Police Station Case No.40 of 2017 registered under Sections 279/338/304/34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., specific allegation is against co-accused Ashok Yadav to have rashly driven the tractor causing death of Saraswati Devi. The appellants were also on the same tractor.



Submission is that there is general and omnibus allegation against the appellants. All five persons cannot drive single tractor at the same time. There is no other allegation against the appellants.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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)

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