

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.884 of 2018

Arising Out of PS.Case No. -16 Year- 2017 Thana -AMARPUR District- BANKA

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1. Barun Yadav, S/o Ashok Yadav,
2. Ashok Yadav S/o Late Hari Yadav, Both R/o Village- Belsira, P.S.- Fullidumar,
District- Banka.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee, Advocate

For the Respondent/s : Mr. Binay Krishna (SPP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-05-2018

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 the learned 1st Additional Sessions Judge-cum-Special Judge, Banka, in Amarpur (Fullidumar) Police Station Case No.16 of 2017 registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though the appellants are named in the FIR as member of unlawful assembly. However, no overt-act is alleged against the appellants. Allegation of commission of fire-arm injury is against co-accused Pappu Yadav, who allegedly caused injury at the thigh of the



mother of the informant; as a result whereof mother of the informant died subsequently.

The appellants have stated on oath that they have got no criminal antecedent. They are in custody since 16.10.2017.

Considering the aforesaid facts, let the appellants, above named, be released on bail 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 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 impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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