

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1618 of 2018

Arising Out of PS.Case No. -209 Year- 2017 Thana -SIKANDARA District- JAMUI

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1. Vijay Yadav, Son of Sharda Yadav, resident of Village - Ranhan, P.S.- Sikandra,
District - Jamui.

.... 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: 13-07-2018

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 by order dated 06.04.2018 in SC/ST Case No. 32 of 2018 arising out of Sikandara P.S. Case No. 209 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Jamui in connection with the aforesaid case registered under Sections 302/34 of the Indian Penal Code as well as Sections 3(1)(r), 3(2)(5)(a) of the SC/ST Act.

Allegation against the appellant is that he assaulted with a hard blunt substance at the head of the husband of the informant as a result whereof he died. The reason for the occurrence is that the appellant was insisting the deceased to go for his work and the deceased



was not ready for that.

Submission is that the appellant is in custody since 10.01.2018. Investigation of the case is already complete. There is no allegation of repetition of blow.

The case diary would reveal that the Doctor has found injury on the head of the deceased while performing post mortem examination. Another eye witness has also supported the allegation.

Considering the entire facts of this case, let the appellant, above named, be released on bail **on framing of the charge or after completion of one year of custody whichever is earlier** on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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 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)

Kundan/-

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