

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2738 of 2018

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

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1. Dileep Yadav, S/o Brahamdeo Yadav, resident of Village Gangia, P.S.-
Gangaur (Khagaria), District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

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 vide order dated 10.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Khagaria, in connection with Khagaria (Gangaur) Police Station Case No.265 of 2018, registered under Sections 341/323/307/504/506/448/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For land dispute the appellant and co-accused Karelal Yadav caught to the son of the informant and Mantu Yadav fired causing injury at the chest.



Submission of the learned counsel for the appellant is that false allegation is there, which is apparent from the averments in the FIR because if the appellant would have caught the injured there was chances of sustaining fire-arm injury to the appellant also.

On the other hand, learned counsel for the informant opposed the prayer for the reason that there is direct evidence against the appellant. Moreover, the appellant has got criminal antecedent.

Considering the nature of allegation and nature of material, 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 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 appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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