

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2493 of 2018

Arising Out of PS. Case No.-68 Year-2017 Thana- LODIPUR District- Bhagalpur

=====

Lalsugi Yadav, Son of Bideshi Yadav @ Bindeshwari Yadav, Resident of
Village- Baghmara P.S.- Lodipur, Dist.- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. N.K.Agrawal, Advocate Mr. Kumar Praveen, Advocate
For the Informant	:	Mr. Gyanand Roy, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 31.05.2018 passed by the learned 3rd Additional Sessions Judge, Bhagalpur in connection with S.Tr. No.107 of 2018, arising out of Lodipur Police Station Case No.68 of 2017, corresponding to G.R. No.2511 of 2017 registered under Sections 302, 201/34 of the Indian Penal Code as well as Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The informant saw that eight persons including the appellant were dragging to his brother and were assaulting him with *lathi* etc. Subsequently, dead body of the brother of the informant was found from the field side.

Submission of the learned counsel for the appellant is that no other eye witness has supported the allegation. The Doctor did not find any injury on the vital part of the body, which the informant claims to witnessed. Injury No.2 would show that tongue was protruded and bitten between the teeth. Such injury can be caused only by compression on the neck. The Doctor has also found *Asphyxia* due to mugging as cause of death. In fact this one might be a case of suicide and false implication is there. The appellant is in custody since 11.07.2017. The appellant has got no criminal antecedent.

Learned counsel for the informant submits that this Court had refused the prayer for bail of similarly situated some other accused on 29.01.2018 passed in Criminal Appeal (SJ) No.3375 of 2017 with Criminal Appeal (SJ) No.3392 of 2017 with direction to the learned trial court to conclude the trial within nine months, failing which those appellants were allowed liberty to renew their prayer for bail.



The report of the learned Trial Judge dated 27.08.2018 received in this case would show that only three prosecution witnesses have been examined up till now after framing of the charge on 31.05.2018.

The informant shall produce remaining witnesses within three months from today and thereafter, the official witnesses shall also be examined within three months, failing which the appellant would be released on bail 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.

Accordingly, this appeal stands disposed of.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

