

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2352 of 2018

Arising Out of PS.Case No. -45 Year- 2018 Thana -TRIVENIGANJ District- SUPAUL

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1. Sanjay Yadav S/o Late Mahadeo Yadav, R/o Vill.- Lagunia, Ward no. 15, P.S.-
Triveniganj, District- Supaul. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

For the Informant : Mr. Pramod Mishra, Adv

: Miss. Monika, Adv

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-08-2018

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 vide order dated 10.05.2018 in SC/ST Case No. 35 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Triveniganj P.S. Case No. 45 of 2018 registered under Sections 364, 302, 120B/34 of the Indian Penal Code as well as Sections 3(1)(r) and 2(v)(a) of the SC/ST Act.

According to FIR, the wife of the appellant had some extra marital relation with the deceased, for that reason, suspicion is that the appellant and his wife committed murder.

Submission is that wife of the appellant has already



been allowed bail by this Court. During investigation only material came against the appellant is suspicion and confessional statement of the appellant before the police which is no evidence in the eyes of law.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that there is no substantial material against the appellant, let the appellant, above named, 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, 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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