

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3712 of 2018

Arising Out of PS.Case No. -79 Year- 2018 Thana -RAJNAGAR District- MADHUBANI

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Daya Ram Yadav, Son of Yugeshwar Yadav, Resident of Village – Mehinathpur,
P.S. – Rajnagar, District Madhubani

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

with

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Criminal Appeal (SJ) No. 3554 of 2018

Arising Out of PS.Case No. -79 Year- 2018 Thana -RAJNAGAR District- MADHUBANI

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Manish Yadav @ Manish Kumar Yadav, Son of Dayaram Yadav, Resident of
Village - Mehinathpur, P.S. - Rajnagar, District - Madhubani.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

(In CR. APP (SJ) No.3712 of 2018)

For the Appellant/s : Mr. Gagan Deo Yadav, Advocate

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

(In CR. APP (SJ) No.3554 of 2018)

For the Appellant/s : Mr. Gagan Deo Yadav, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-10-2018

Heard learned counsel for the parties.

These appeals are 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 anticipatory bail vide order dated 17.07.2018 in
G.R. No. 42 of 2018 passed by the learned 1st Additional Sessions



Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Rajnagar P.S. Case No. 79 of 2018 registered under Sections 143, 302, 120B, 504 of the Indian Penal Code as well as Sections 3(2)(v)(va) of the SC/ST Act.

On the basis of telephonic information from the deceased, who was the son of the informant that he was assaulted by several persons, the FIR was lodged.

Submission is that in fact the deceased has some relation with Bharti Kumari, the daughter of Dayaram Yadav and that might be a reason of commission of suicide by the deceased as he was found hanging with a tree. Thereafter, false case has been lodged. The Doctor has found contusion around the neck of the deceased as external injury. According to the opinion of the Doctor, strangulation was cause of death.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the fact that medical report is not corroborated by ocular evidence as the same is inconsistent with the prosecution allegation of commission of assault to the deceased by several persons. Hence, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on



furnishing bail bonds of Rs.20,000/- (rupees 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned orders are set aside and these appeals stand allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	03.10.2018
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