

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3155 of 2018

Arising Out of PS. Case No.-267 Year-2017 Thana- LAUKAHI District- Madhubani

Dayalal Yadav Son of late Ganga Ram Yadav Resident of Village- Atri, P.S.
Laukahi, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Adv
For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 13-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 19.07.2018 in A.B.P. No.1297 of 2018 passed by the learned 1st Additional Sessions Judge, Madhubani in connection with Laukahi P.S.Case No. 267 of 2017, G.R.No.117 of 2017 registered under Sections 147,148,149,341,323,324,307,354,504 of the Indian Penal Code, Section 27 of Arms Act as well as under Sections 3(i)(x)3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

There is case and counter case. FIR would reveal that the appellant was simply a member of



unlawful assembly, having no overt-act alleged. Appellant has stated on oath that he has got no criminal antecedent.

Considering the fact that no overt-act is alleged against the appellant, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further 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)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2018
Transmission Date	14.12.2018

