

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.176 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -GAYA MUFFSIL District- GAYA

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1. Ashok Yadav, son of Mohan Yadav, resident of Village- Gaura, P.S.-
Muffasil, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajni Kant Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-02-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned Special Judge (S.C./S.T. Act), Gaya, in connection with Muffasil Police Station Case No.105 of 2017 registered under Sections 325/307/302 and other minor sections of the Indian Penal Code and Section 3(2)(v)(a)/3(2)(v)(b)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., a girl of the family of the appellant was allegedly enticed away by the boy of the family of the informant for that reason fifteen F.I.R. named and 8 to 10 unknown variously armed came to the house of the informant and



bitterly assaulted to the parents as a result whereof both the parents died. Other eyewitnesses have also supported the allegation. The post mortem report would reveal that the injuries on the vital parts of the body of the injureds were the cause of death.

Submission of the learned counsel for the appellant is that the allegation is general and omnibus. The appellant is in custody since 11.10.2017. No independent witness has supported the occurrence as eyewitness though occurrence took place in the day-light. Only family members have supported the allegation.

I do not find any merit in the aforesaid submissions. Plurality of the witness or independence of the witness is no requirement of law. Only trustworthiness of the witness is tested at the stage of trial. Hence, I am not inclined to enlarge the appellant on bail. The prayer for bail is refused.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

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