

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2832 of 2018

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

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Dinesh Yadav, Son of Mahendra Yadav, Resident of Village- Ranti Mohanpur,
P.S.- Rajnagar, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

=====

with
Criminal Appeal (SJ) No. 2837 of 2018

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

- =====
1. Yugeshwar Yadav, Son of Late Sukhlal Yadav,
 2. Rajaram Yadav, Son of Yugeshwar Yadav, Both Resident of
Village- Mehinathpur, P.S.- Rajnagar, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

(In Criminal Appeal (SJ) No. 2832 of 2018)

For the Appellant/s : Mr. Gagan Deo Yadav

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

(In Criminal Appeal (SJ) No. 2837 of 2018)

For the Appellant/s : Mr. Gagan Deo Yadav

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 13-08-2018

Heard learned counsel for the parties.

Both these appeal 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 regular bail vide order dated
17.07.2018 passed by the learned 1st Additional Sessions Judge-



cum-Special Judge S.C./S.T. Act, Madhubani in Rajnagar Police Station Case No.79 of 2018 registered under Sections 143, 302, 120(B), 504 of the Indian Penal Code as well as Section 3(2)(v) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 F.I.R. 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 counsel for the State 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, 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 learned court below where the case is pending in connection with the aforesaid case, subject to the condition that both the bailors shall be resident of territorial jurisdiction of the learned court below and further 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 bonds of the appellants.

Accordingly, the impugned order is set aside and both these appeals stand allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

