

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2813 of 2018

Arising Out of PS. Case No.-355 Year-2018 Thana- BARACHATTI District- Gaya

Harinandan Yadav, Son of Pachho Yadav @ Payo Yadav, Resident of Village-
Barakhar, P.S.- Mohanpur, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 13-08-2018

Heard learned counsel for the parties.

This is an appeal 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 02.07.2018 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in Barachatti Police Station Case No.355 of 2018 registered under Sections 302 and 120(B)/34 of the Indian Penal Code as well as Section 27 of the Arms Act and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The F.I.R. specifically states that appellant was driving the motorcycle and the pillion rider was firing. The allegation is general and omnibus against several persons of firing, which



caused death of the husband of the informant. The informant is an eyewitness of the occurrence. The person who was sitting on the motorcycle on which the informant was going on has stated that the appellant was a conspirator for the occurrence aforesaid. The appellant is in custody since 03.06.2018. Investigation of the case is already complete.

Considering the aforesaid facts, wherein there is no overt act alleged 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.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

