

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.328 of 2018

Arising Out of PS.Case No. -5 Year- 2015 Thana -LADIYA TAND District- MUNGER

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1. Adhik Yadav, son of Asharfi Yadav, Resident of Village- Banbarsha, Police Station- Laraiya Tand, District- Munger.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-05-2018

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 by the learned Special Judge (S.C./S.T.)-cum-1st Additional Sessions Judge, Munger in S. Tr. No. 187 of 2016 arising out of Laraiya Tand P.S. Case No. 05 of 2015 registered under Sections 302, 120B of the Indian Penal Code as well as Section 3(iii)(v) of the SC/ST Act.

This appeal is barred by limitation of 44 days. The delay is explained in the I.A. No. 768 of 2018, a petition filed under Section 5 of the Limitation Act. Hence, the delay is condoned.

Accordingly, aforesaid interlocutory application stands allowed.

The FIR was lodged on recovery of dead body of the



husband of the informant. Co-accused Jitendra Mandal @ Jyoti Mandal asked the informant to keep mum as she would get Rs.10,000/- as compensation. That information suspected Jitendra Mandal @ Jyoti Mandal to have been involved in the murder of her husband.

The appellant is not named in the FIR. Name of the appellant has surfaced during investigation on the information of the spies, thereafter appellant was arrested in the case and his confessional statement has been recorded. The appellant is in custody since 29.11.2015. Investigation of the case is already complete.

Considering the aforesaid fact, 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 and 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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