

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4160 of 2018

Arising Out of PS. Case No.-680 Year-2017 Thana- FORBESGANJ District- Araria

Vikash Kumar Yadav @ Pahalwan, Son of Fulo Yadav, Resident of Village-
Merhiya, Police Station- Triveniganj, District- Supaul.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, S.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2018

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 15.09.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in Special SC/ST Case No.04 of 2018, arising out of Forbesganj (Simraha) Police Station Case No.680 of 2017 registered under Sections 341, 324, 325, 307, 120(B), 427/34 of the Indian Penal Code as well as Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is in custody since 20.12.2017. According to F.I.R., three motorcycles came from behind when the informant



himself was going on a motorcycle. The back riders, *Dilip Yadav*, *Jhantu Mandal* and *Arjun Mandal* allegedly fired at him, causing injury at the back, at the finger and at the petrol tank of the motorcycle. In the statement recorded under Section 164 of the Code of Criminal Procedure the informant stated that *Arjun Mandal* had fired twice at him and one of the shot caused injury at the waist of the informant. The informant could not identify the person who were driving the three motorcycles.

Submission is that appellant is not named in the F.I.R. His name surfaced in the confessional statement of co-accused, *Prince Kumar Sah @ Prince Sah*, who has already been allowed bail by this Court, vide *Annexure 3*.

Considering the aforesaid facts, especially the fact that there is no direct evidence 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	NAFR
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