

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2310 of 2018

Arising Out of PS.Case No. -32 Year- 2017 Thana -SC/ST District- PATNA

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1. Arun Yadav,
2. Satyendra Yadav @ Kchchu Yadav Both Sons of Sri Swarath Yadav @ Ram Swarath Yadav @ Ram Swarath Prasad, R/o Vill.- Moniumpur, P.S.- Nagarnausa, District- Nalanda.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Prasad-II, Adv

For the Respondent/s : Mr. Arbind Kumar Pandey, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 16.05.2018 in A.B.P. No.3161 of 2018 passed by the learned Special Judge SC/ST Act-cum-Additional Sessions Judge-Vth, Patna in connection with Special Case No. 819 of 2017 arising out of SC/ST P.S.Case No.32 of 2017 registered under Sections 147,148,149,448,323,324,307,504,506 of the Indian Penal Code and Sections 3(1)(R/3(1)(S)/2(1)(F)/3(I)(G) of the Scheduled Castes and Scheduled Tribes Act.

Specific allegation of commission of injury with knife



is against appellant-Satyendra Yadav @ Kchchu Yadav.

Submission is that Satyendra Yadav @ Kchchu Yadav is alleged to have caused injury to Rina Devi. However, no injury report is there with the case diary in respect of Rina Devi because she has not received any injury.

Allegation against appellant-Arun Yadav is that he caused firearm injury to one Raushan Kumar at his leg. The Doctor has found lacerated wound of 1/4' diameter muscle deep over front of knee with normal skin around the wound margin. Opinion is reserved. Other witnesses have supported the allegation of commission of firearm injury by appellant-Arun Yadav.

Considering the material on the record and nature of allegation, I am not inclined to enlarge the appellant-Arun Yadav on anticipatory bail. Hence, prayer is refused.

Since allegation against appellant-Satyendra Yadav @ Kchchu Yadav is not substantiated by medical evidence, let the appellant No.2, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (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 conditions as laid down



under Section 438(2) of the Code of Criminal Procedure and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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, this appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2018
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