

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3274 of 2018

Arising Out of PS. Case No.-186 Year-2017 Thana- SONBERSA District- Saharsa

Ashish Yadav Son of Ram Bahadur Yadav Resident of Village - Navtoliya,
Police Station - Sonbarsa Raj, District - Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2018

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 against the refusal of prayer for bail vide order dated 23.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act) I/C, Saharsa, in connection with SC/ST Case No.463 of 2017, arising out of Sonbarsa Raj P.S. Case No.186 of 2017, registered under Sections 379/382/307/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR of the occurrence of theft and commission



of fire-arm injury is against unknown. The appellant was arrested in this case on suspicion and information of the spy. The case-diary would reveal that there is no substantial material against the appellant. The appellant is in custody since 15.05.2018. However, he was never put on Test Identification Parade during investigation of the case.

Considering the aforesaid fact, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with 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 appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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