

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1497 of 2018

Arising Out of P.S.Case No. -71 Year- 2018 Thana -SIRDALA District- NAWADA

- =====
1. Ashok Yadav @ Bambam @ Bambam Yadav, Son of Govind Yadav,
 2. Yamuna Yadav, Son of Girdhari Yadav, Both resident of Village- Titahiya Tarh, P.S.- Rajauli, Dist.- Nawada.

.... 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: 13-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(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 order dated 09.04.2018 in Spl. (H) Case No. 31 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Nawada in connection with Sirdala P.S. Case No. 71 of 2018 registered under Section 147, 148, 149, 354A, 307, 302, 504, 506 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.

Allegation against the appellants is that they assaulted with Sabal (iron rod) causing injury on the head of the father of the informant as a result whereof he died. The Doctor has found consistent lacerated wound at the head of the deceased while performing postmortem examination. Other accused persons assaulted to other persons.

Submission of the learned counsel for the appellants is



that the appellants are in custody since 05.03.2018. Investigation of the case is already complete. Other injured have not been examined by the police who would have been in a position to name their assailants as well as assailants of the deceased.

The Doctor has found more injuries than alleged on the deceased and the entire circumstance shows that on the occasion of Holi, the deceased was committing some mischief in inebriated condition and he might have sustained injury by fall.

Learned counsel for the informant opposed the prayer for bail on the ground that another witness has supported the allegation as eye-witness of the occurrence.

Considering the nature of allegation, I am not inclined to enlarge the appellants on bail at this stage. Hence, prayer for bail is refused. The appellants would be at liberty to renew their prayer for bail after framing of the charge.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Kundan/-

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