

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1748 of 2018

Arising Out of PS.Case No. -143 Year- 2017 Thana -TEKARI District- GAYA

=====

Muni Yadav @ Munni Yadav son of Shivanand Yadav, R/o. Village- Belhariya,
P.S. Tekari, District- Gaya

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Manish Kumar No.2, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 anticipatory bail vide order dated 09.04.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.71 of 2018, arising out of Tekari Police Station Case No.143 of 2017, registered under Sections 147/148/149/323/307/509/504/506/354 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The seven FIR named persons and 15 to 20 unknown fired at the informant and others causing injury to two persons for some dispute relating to lifting the sand from the riverbed.



Submission is that the case-diary would reveal that no witness including the injured have stated before the police that who had caused them injury. Moreover, unknown persons were also allegedly involved in the occurrence. For previous dispute the appellants have falsely been implicated.

Considering the general and omnibus nature of allegation, let the appellant, 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 bail on furnishing bail bonds 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as 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 stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.08.2018
Transmission Date	10.08.2018

