

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2410 of 2018

Arising Out of PS.Case No. -376 Year- 2017 Thana -TEKARI District- GAYA

- =====
1. Parshu Ram Kumar Yadav @ Prashuram Yadav,
 2. Shiv Pujan Yadav @ Shipujan Yadav @ Sipujan Yadav Both are Sons Shiya Sharan Yadav, R/o Vill.- Matai, P.S.- Tekari (Panchanpur), District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-08-2018

Heard learned counsel for the parties.

Appellant Parshu Ram Kumar Yadav @ Prashuram Yadav
has already been arrested in this case. Hence, his prayer for
anticipatory bail is dismissed as infructuous.

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
26.05.2018 passed by the learned Exclusive Special Judge (S.C./S.T.
Act), Gaya, in A.B.P. No.104 of 2018, arising out of Tekari Police
Station Case No.376 of 2017, registered under Section 302/34 of the
Indian Penal Code and Sections 3(i)(r)(s)/2(v) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that murder of the wife of the



informant was committed by some unknown person. The informant suspected that appellant and other family members might have committed murder for the reason that they had taken loan of Rs.15,000/- from the wife of informant at the time of marriage of a daughter in their family and subsequently they were not refunding the money in spite of repeated demand.

Submission is that there is no eyewitness of the occurrence. Even the impugned order would reveal that mere suspicion is there. Appellant is an accused in a case of trivial nature as disclosed in para-3 of the memo of appeal.

Considering the facts aforesaid, let the appellant Shiv Pujan Yadav @ Shipujan Yadav @ Sipujan Yadav, 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./-

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