

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3500 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- SALAKHUA District- Saharsa

Kamdeo Yadav S/o Lal Mohan Yadav, resident of Village- Situaha Punarbas,
P.S. Salkhua, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiva Shankar Sharma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-11-2018

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 23.08.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa, in connection with Salkhua Police Station Case No.103 of 2018, registered under Sections 341/323/307/506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(u)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For land dispute the appellant allegedly fired causing injury at the left side of the back of the informant. The



doctor has found penetrating injury on the back left side with charring mark, caused by fire-arm, grievous in nature.

Learned counsel for the appellant submits that false allegation is there due to land dispute. Appellant is in custody since 24.05.2018.

Considering the entire facts of this case, let the appellant, above named, be released on bail **after framing of the charge or after completion of nine months of custody whichever is earlier** 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. **The learned trial Court is directed to expedite the trial.**

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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