

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1664 of 2018

Arising Out of PS.Case No. -343 Year- 2017 Thana -JAMUI District- JAMUI

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Potan Yadav @ Sidheshwar Yadav, son of late Saryu Yadav @ Saryug Yadav,
Resident of Village – Daulatpur, P.S. + District – Jamui.

.... Appellant/s

Versus

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: 29-05-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by the learned 1st Additional Sessions Judge, Jamui in Jamui SC/ST No. 343/17/31/18 arising out of Jamui P.S. Case No. 343 of 2017 registered under Sections 302/34, 120-B of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(1)(v)/3(ii) 5(a) of the SC/ST Act.

According to F.I.R., two other co-accused Sippu Singh and Asharfi Yadav exhorted Raju Yadav to commit murder of Vinay Paswan and the appellant handed over his pistol to Raju yadav for the purpose, as a result, murder was committed by Raju Yadav.

Submission is of false implication and contention is



that if the appellant was intending to commit murder, there was no reason to hand over pistol to the co-accused. The appellant is in custody since 19.12.2017. Investigation of the case is already complete.

Hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation and 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

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