

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.344 of 2019

Arising Out of PS. Case No.-125 Year-2018 Thana- MANPUR District- Nalanda

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Viyash Yadav @ Vijay Yadav aged 50 years (male) s/o Late Biru Yadav
Village- Makduane, Police Station- Manpur, Dist-NALANDA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ganesh Sharma

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 15-02-2019

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 by order dated 05.12.2018 passed by learned **1st Additional Sessions Judge cum Special Judge, Nalanda at Biharsharif**, in connection with **Manpur P.S. Case No. 125 of 2018** registered under Sections 147, 148, 149, 448, 504 and 302 of the IPC, Section 27 of the Arms Act and Sections 3(i) (r) (s) Q3(2) (v) a of SC/ST (Prevention of Atrocities) Act.

Informant is the widow of deceased, who has stated in her written complaint that group of persons assembled in the village and started abusing by caste name of villagers and there



is specific allegation against Rahul Yadav of firing from rifle on the husband of informant, as a result of which he died.

Petitioner is not named in the FIR. His name has surfaced in this case on the basis of confessional statement made by Motin Yadav @ Ajit Yadav. Petitioner is in custody since 30.08.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.



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

(S. Kumar, J)

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