

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.328 of 2019

Arising Out of PS. Case No.-254 Year-2018 Thana- MURLIGANJ District- Madhepura

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Randhir Yadav @ Randhir Kumar Yadav, aged about 24 years, (M) Son of Satya Narain Yadav Resident of Village - Kolhaipatti, P.S. - Murliganj, District - Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Durgesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 06-03-2019 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 **13.12.2018** passed by learned **Additional Sessions Judge 1st, Madhepura/Special Judge S.C./S.T. Act, Madhepura** in connection with **S.C./S.T. Case No. 148 of 2018 arising out of Murliganj P.S. Case No. 254 of 2018** registered under Sections 366 and 34 of the IPC and Section 3 (i) (r) of SC/ST (Prevention of Atrocities) Act.

Informant who is the husband of victim has alleged in his written complaint that he was earning in Punjab and had sent



Rs. 95,000/- to his wife to purchase a land, however, when he came back his wife told that appellant had taken said Rs. 95,000/- on the pretext that his wife is seriously ill and would refund the amount within five days and on 08.03.2018 he sent his wife to get the money refunded from appellant but, however, she became traceless and came back on 05.11.2018.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The occurrence is of 08.03.2018 whereas FIR was instituted on 22.07.2018 and there is no explanation for instituting the FIR after delay of four months. It has been further submitted that prior to institution of present case one complaint case was filed by appellant against informant and his family members and present case has been filed in retaliation and is counterblast of said case. Appellant has got no criminal antecedent and is in custody since 03.12.2018.

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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