

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.445 of 2019**

Arising Out of PS. Case No.-633 Year-2018 Thana- KATIHAR District- Katihar

Chintu Yadav, aged about 25 years, Gender- Male, Son of Kashi Yadav @ Kashinath Roy, Resident of Mohalla- Jagarnathpuri Barmasia, PS-Sahayak Katihar, Dist-Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Jha, Adv.
For the Respondent/s : Mr. Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 27-03-2019

Heard the parties.

This is an appeal under Section 14 (A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 16.01.2019 passed by learned 1st Additional Sessions Judge-cum- Special Judge, Katihar, in connection with Katihar Town (Sahayak) P.S. Case No. 633 of 2018, corresponding to G.R. No. 3944 of 2018, registered under Sections 341, 323, 385, 387, 504 and 506 of the Indian Penal Code and Section 3 (i) (v) (s) of SC /ST Act.

Informant has alleged in his written complaint that on 05.09.2018 at about 2:30 A.M., three motorcycle borne miscreants came to the patrol pump and took patrol and when price was demanded they abused the staff and also snatched Rs.



19,000/- which was collected by him and also threatened that if they want to run the petrol pump, they will have to pay money. From the footage of CCTV the miscreants were identified by the informant and his father as Vishal Yadav, Chintu Yadav (petitioner) and Rahul Yadav.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. Appellant is next door neighbour of the informant and is having no criminal antecedent. The allegation of snatching of Rs. 19,000/- is false and he is in custody since 07.01.2019.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the appellant on bail at this stage. Hence, the prayer for bail of the appellant is hereby rejected.

However, it is observed that appellant named above be released on bail **after six months of custody** upon furnishing bail bond of Rs. 20,000/- (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, 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 Court and their absence on two consecutive dates without sufficient reasons, 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.

(S. Kumar, J)

Rajiv/-

U		T	
---	--	---	--

