

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.738 of 2019**

Arising Out of PS. Case No.-25 Year-2018 Thana- JANKINAGAR District- Purnia

Amrendra Yadav, son of Kishore Yadav, Resident of Village- Baitari, P.S.-
Jankinagar, Distt.- Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vikram Singh

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 10-04-2019

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 17.05.2018 in Special SC/ST (POA) Case No.38 of 2018 passed by the learned Ist Addl. Sessions Judge-cum-Special Judge, Purnea in connection with Jankinagar P.S. Case No.25 of 2018 registered under Sections 302/120B of the IPC, Section 27 of the Arms Act and Section 3(i)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant fired causing injury at the head of the deceased, Sanjeev Kumar Ram.

Submission of learned counsel for the petitioner is that informant is not eye witness of the occurrence rather his information is based on the statement of occurrence disclosed by witness Satish Kumar. The statement



of Satish Kumar before the police is that three persons had fired at the deceased and doctor has found single fire arm injury on the head of the deceased.

Further submission is that appellant is custody since 25.03.2018. Earlier prayer for bail was refused on 27.08.2018 with direction to the Trial Judge to expedite the trial. Further submission is that two others who had fired at the deceased, according to the eye witness Satish Kumar, have already been allowed bail by this Court.

Considering the aforesaid fact, let the appellant, above named, be released on bail 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 both bailors shall be resident of territorial jurisdiction of the learned Court below and further 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.

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

(Birendra Kumar, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/04/2019
Transmission Date	12/04/2019

