

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.516 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- SC/ST District- Jehanabad

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Ramashray Kumar @ Rinku Yadav, age 37, Gender, Male, Son of Sri
Ramchandra Yadav, Resident of Village - Bishunpur, P.S.- Makhdumpur,
District- Jehanabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	M/s A. K. Thakur, Malay Kumar Choudhary Swati Sinha, Advocates
For the Respondent/s	:	Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-03-2019 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 02.01.2019 passed by the Addl. Sessions Judge, 1st, Jehanabad in connection with Jehanabad SC/ST. P.S. Case No.34 of 2018 registered under Sections 302/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that on 31.05.2018, his father had gone for his toddy business. Thereafter, the appellant along with other F.I.R. named accused persons demanded toddy which



was refused by his father then the appellant with intention to kill inflicted rod blow on his head as a result of which, he received grievous injury. Thereafter, his father was taken to Sadar Hospital and from there, he was referred to P.M.C.H., where he died in course of treatment.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. It has further been submitted that alleged occurrence took place on 31.05.2018 but the present written complaint was lodged on 02.06.2018, at 8.00 P.M. in Jehanabad P.S. although inquest was prepared in P.M.C.H. at 12.45 P.M. i.e., after death of the deceased which itself creates doubt about the genuineness of the case. It has further been submitted that deceased received injuries due to fall while taking out the toddy and a false and concocted story has been cooked up to implicate the appellant. Appellant is in custody since 06.06.2018.

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)

Sanjay/-

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