

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.585 of 2019

Arising Out of PS. Case No.-340 Year-2018 Thana- PARBATT A District- Khagaria

SANJAY YADAV, aged about 35 years (Male), S/o Late Udit Yadav
Resident of Village- Salarpur, P.S.- Parbatta, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Adv.

For the Respondent/s : Mr.Usha Kumari 1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 25-03-2019

Heard the parties.

This is an appeal under Section 14(A) of SC & ST
(Prevention of Atrocities) Amendment Act, 1989 against the
refusal of prayer for bail by order dated 17.01.2019 passed by
learned 1st Additional Sessions Judge -cum- Special (SC/ST),
Khagaria, in connection with Parbatta P.S. Case No. 340 of
2018, registered under Sections 341, 323, 307, 506, 504/34 of
the Indian Penal Code and Section 3 (i) (r) (s) of SC /ST Act.

Informant has alleged in his written complaint that
on 14.09.2018 at about 12:30 P.M. FIR named accused Gautam
Yadav, Lucho Yadav, Sanjay Yadav (appellant), Bilas Yadav and
two unknown miscreants variously armed entered his house and



started assaulting his two sons and when his brother Chamak Lal Rajak protested he was tied, dragged and assaulted on his head, causing head injury.

It has been submitted on behalf of the appellant that there is no specific allegation against him of causing any assault on the brother of informant. Allegations are general and omnibus in nature. Appellant has no criminal antecedent.

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/- (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.

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

(S. Kumar, J)

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