

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.820 of 2019**

Arising Out of PS. Case No.-98 Year-2017 Thana- GOGRI District- Khagaria

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MANTU YADAV aged about 45 years Male S/o Bouku Yadav r/o village-
Barahara, P.S-Gogari, Dist- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bishweshwar Ram
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-03-2019 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 **11.12.2018** passed by learned **Additional Sessions Judge 1st cum Special Judge, Khagaria**, in connection with **Special SC/ST Case No. 350 of 2017** registered under Sections 436/34 of the IPC and Section 3(i)(r) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant and other is of



setting the house of informant on fire and appellant was seen along with other fleeing away from the place of occurrence and when the informant made complain about the same, appellant and others abused him by taking his caste name.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to land dispute and a title suit is also pending between the parties and this case has been filed with a view to grab the land of the appellant. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 13.10.2017 passed in Criminal Appeal (SJ) No. 2814 of 2017. Appellant is in custody 18.04.2018.

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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