

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.563 of 2019

Arising Out of PS. Case No.-305 Year-2017 Thana- RUPAULI District- Purnia

Umesh Yadav, aged about 58 years (M), Son of Late Chano Yadav, R/o village- Dhobiniya, P.S- Naugachhiya, District.- Bhagalpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Anand, aDv

For the Respondent/s : Mr. Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 25-02-2019 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 15.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, Purnea, in connection with Special S.C/S.T. Case No. 374 of 2017 arising out of Rupauli (Mohanpur) P.S. Case No. 305 of 2017, registered under Sections 147, 148, 149, 341, 323, 324, 354, 447, 307, 504, 506 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (i) (x) (r) of SC /ST Act.

There is general and omnibus allegation against the appellant and other named accused of commission of assault for the reason that for claim over the same land two groups were firing against each other and the informant was a labour



working in the said field.

It has been submitted on behalf of the appellant that he is innocent and has been implicated in this case due to village politics. Similarly placed co-accused have been granted bail by co-ordinate bench of this court passed in Cr. Appeal (SJ) No. 3427 of 2018, Cr. Appeal (SJ) No. 3180 of 2018 and Cr. Appeal No. 3962 of 2018 vide order dated 11.09.2018, 01.10.2018 and 06.11.2018 respectively. He has no criminal antecedent and is in custody since 06.12.2018.

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/- (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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