

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.789 of 2019

Arising Out of PS. Case No.-125 Year-2018 Thana- MANPUR District- Nalanda

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Motin Yadav @ Ajeet Yadav aged about 22 years Gender-Male Son Of Ram
Briksh Yadav Resident Of Village/Mohalla - Magduane, P.S.- Manpur,
District - Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-03-2019 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 12.12.2018 passed by learned **1st Additional Sessions Judge cum Special Judge, Nalanda at Biharsharif**, in connection with **Manpur P.S. Case No. 125 of 2018** registered under Sections 147, 148, 149, 448, 504 and 302 of the IPC, Section 27 of the Arms Act and Sections 3(i) (r) (s) and 3(2)(v)a of SC/ST (Prevention of Atrocities) Act.

Informant is the widow of deceased, who has stated



in her written complaint that group of persons assembled in the village and started abusing by caste name of villagers and there is specific allegation against Rahul Yadav of firing from rifle on the husband of informant, as a result of which he died.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. There is no specific allegation of any overt act against the Appellant. There is general and omnibus allegation against the Appellant. Similarly, situated co-accused persons have been granted bail by this Court vide orders dated 07.02.2019 in Criminal Appeal (SJ) No. 10 of 2019, 15.02.2019 in Criminal Appeal (SJ) No. 344 of 2019 and 14.02.2019 in Criminal Appeal (SJ) No. 527 of 2019. Appellant has got no criminal antecedent and is in custody since 05.11.2018.

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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