

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.870 of 2019**

Arising Out of PS. Case No.-340 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

TUNTUN YADAV @ RAMBABU YADAV Son of Late Chhabila Singh
Resident of village -Araura, P.s.- Udwanthnagar District-Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL JUDGMENT**

Date : 20-06-2019

Heard learned counsel for the appellant and learned Spl.

P.P. for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 02.2.2019 passed by learned 1st Addl. Sessions Judge, Bhojpur at Ara, in SC/ST Case No. 216 of 2018, arising out of Udwanthnagar P.S. Case No. 340 of 2018 registered under Sections 302/34/120 (B) of the Indian Penal Code and also under Section 3 (i) (r) (s)/3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant and co-accused Krishna Singh and Shashi Prasad are said to have slit the scrotum of the son of the



informant by means of knife and accused Kamlesh Ojha, Arun Singh, Soyam Prakash Ojha and Narian Yadav strangled him to death.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. The only allegation against this appellant is of slitting the scrotum of the deceased by means of knife along with two other accused persons but doctor has not found any corroborative injury rather has opined cause of death as asphyxia due to strangulation. The allegation of strangulation is not attributed to the appellant rather against other co-accused persons. Appellant has no criminal antecedent. He has been languishing in custody since 17.09.2018.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Bhojpur at Ara in connection with SC/ST Case



No. 216 of 2018, arising out of Udwantnagar P.S. Case No. 340 of 2018.

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

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
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