

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.787 of 2019

Arising Out of PS. Case No.-123 Year-2017 Thana- TEGHRHA District- Begusarai

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RAJIV YADAV Male 32 years S/o Late Naresh Yadav R/o Village-
Baghmara, P.S.- Barauni, Distt.- Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shubhesh Pandey
For the Respondent/s : Mr.Binay Krishna

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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 03.12.2018 passed by learned Special Judge, SC/ST, Begusarai, in connection with Teghra P.S. Case No. 123 of 2017 registered under Sections 147, 148, 149, 307, 302, 323, 386, 504, 506/34 of the IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities).

Informant in his written complaint has alleged that



due to some dispute with respect to municipal tax at the barrier, FIR named accused Deepak Singh, Venkatesh Kumar and Pinkesh who are the licensee for collection of tax and other FIR named accused came at his residence and threatened that they will come on the next day and all FIR named accused came and allegation against FIR named accused Venkatesh Kumar and Gaurav Kumar is of abusing and at the instigation of Deepak Kumar, Venkatesh Kumar, Gautam Kumar and Rahu Singh fired indiscriminately as a consequence of one of his co-villager Ramchandra Das died and informant received injury in his right thigh.

It has been submitted on behalf of the appellant that appellant is not named in the FIR. There is no specific allegation of any overt act against the appellant. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 09.11.2017 in Criminal Miscellaneous No. 52826 of 2017 and 04.02.2019 in Criminal Appeal (SJ) No. 4637 of 2018. Appellant is in custody since 18.09.2018.

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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