

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.813 of 2019

Arising Out of PS. Case No.-68 Year-2017 Thana- LODIPUR District- Bhagalpur

Izhar Yadav @ Niranjan Yadav Son of Aako Yadav Resident of Village-
Baghmara, P.S.-Lodipur, District-Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Praveen, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-03-2019 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 vide order dated 22.01.2019 passed by the learned 3rd Additional Sessions Judge-cum-I/C. Special Judge (S.C./S.T. Act), Bhagalpur, in S.T. No.107 of 2018, arising out of Lodipur Police Station Case No.68 of 2017, registered under Sections 302/201/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The petitioner and some other co-accused were earlier refused bail by this Court on 29.01.2018 in Cr. Appeal (SJ) No. 3375 of 2017 in connection with Lodipur P.S. Case No.68 of 2017 for the reason that the allegation was that eight persons



assaulted to deceased Ram Ashish Rai and Ram Ashish Rai died thereof. The trial Court was directed to conclude the trial within nine months, failing which the appellant shall be at liberty to renew his prayer for bail.

The order dated 22.01.2019 of the Court-below would reveal that trial is still pending.

In the meantime, co-accused Lalsugi Yadav having identical allegation was allowed bail by this Court on 06.09.2018 vide Annexure-4.

Considering the entire facts aforesaid and period already undergone, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

