

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.712 of 2019

Arising Out of PS. Case No.-19 Year-2015 Thana- SC/ST District- Madhepura

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1. RAHUL KUMAR AND ANR S/o Narayan Yadav Resident of Village - Chausa, P.S.- Chausa, District- Madhepura.
 2. Giridhari Yadav Son of Anirudh Yadav Resident of Village - Chausa, P.S.- Chausa, District- Madhepura.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-03-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 31.01.2019 passed by learned Special Judge SC/ST Act, Madhepura, in connection with SC/ST case No. 140/2017 arising out of SC/ST (Madhepura) P.S. Case No. 19 of 2015, registered under Sections 341,323, 379, 504, 354A, 506/34 of the Indian Penal Code and Section 3(1)(s) of SC/ST Act.

Allegation against appellants is that they instigated other FIR named accused to assault and abuse informant and his family and also took away some cash and food grains stored



near the house.

It has been submitted on behalf of the appellants that appellants are innocent and have been falsely implicated in this case. There is inordinate delay in institution of FIR. Appellants have no criminal antecedent and they are in custody since 31.01.2019.

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) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the appellants 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 appellants.



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

(S. Kumar, J)

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