

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.855 of 2019**

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

1. MUNNA YADAV S/o Sukhdeo Yadav @ Sukdeo Yadav Resident of Village - Chausa, P.S.- Chausa, District- Madhepura.
2. Manoj Yadav @ Manoj Kumar Yadav S/o Kari 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.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-04-2019 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 the appellants is of abusing the informant by her caste name and there is also allegation of assault.



It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. It has been further submitted that occurrence is of 18.05.2015, however FIR was instituted on 22.05.2015. There is no specific allegation against appellants. Similarly placed co-accused Diwakar Yadav has been granted bail by a co-ordinate Bench of this Court as contained in Annexure-3. Other co-accused, namely, Rahul Kumar and Giridhari Yadav have been granted bail by this Hon'ble Court vide order dated 07.03.2019 passed in Cr. Appeal (SJ) No. 712 of 2019. 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 appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/-(twenty thousand) each 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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