

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.858 of 2019**

Arising Out of PS. Case No.-380 Year-2018 Thana- MALSALAMI District- Patna

Manoj Kumar Yadav, aged about 24 years (Male), S/o Jay Mangal Rai,  
Resident of Mohalla, Nuruddinganj. P.S. Malsalami, District, Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

3      29-03-2019              Learned counsel for the petitioner prays and is permitted to remove paragraph no.10 and its Annexure 2 from the pleading of this criminal miscellaneous petition.

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 17.11.2018 passed by the 4<sup>th</sup> Addl. District & Sessions Judge-cum-Special Judge, SC/ST, Patna in connection with Special Case No.598/18 arising out of Malsalami P.S. Case No.380/18 registered under Sections 302/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant who is the mother of the deceased has



stated in her fardebyan that on 01.11.2018 at about 4 p.m., when her son Santosh Chaudhary @ Kallu went outside his house then at 4.30 p.m., she was informed that her neighbour along with 13 F.I.R. named accused had stabbed his son as a result of which he died on the spot. The reasons for killing is that one Rajesh Pd. Yadav used to sell *Ganja* for which he had always altercation with her son. Allegation against the appellant Manoj Kumar Yadav is that he used to run a tempo and one day, his tempo met with an accident with her son and, thereafter, he threatened that he will kill him.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case only on the basis of suspicion. Appellant has got no criminal antecedent and is in custody since 03.11.2018.

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)**

Sanjay/-

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