

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.856 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

1. SADHU SHARAN YADAV @ SADHU YADAV, aged about 28 years, (M) Son of Shiv Yadav Resident of Village- Khaira, P.S.-Akbarpur, District-Nawada.
2. Santu Yadav @ Sintu Yadav, aged about 22 years, (M) Son of Surendra Yadav Resident of Village-Khaira, P.S.-Akbarpur, District-Nawada.
3. Shree Yadav @ Shankar Yadav, aged about 32 years, (M) Son of Rajendra Yadav @ Rajo Yadav Resident of Village-Khaira, P.S.-Akbarpur, District-Nawada.
4. Kamlesh Yadav @ Kamlesh Kumar, aged about 26 years, (M) Son of Raso Yadav Resident of Village-Khaira, P.S.-Akbarpur, District-Nawada.
5. Mukesh Kumar @ Mukesh Yadav @ Mukki @ Mukki Yadav, aged about 22 years, (M) Son of Laddu Yadav @ Rajendra Yadav Resident of Village-Khaira, P.S.-Akbarpur, District-Nawada.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 26-03-2019 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 **14.02.2019** passed by learned **Additional District and Sessions Judge-I-cum-Special Judge, Nawada**, in connection with **Special (H) Case No. 171 of 2018** arising out of **Akbarpur P.S. Case No. 238 of 2018** registered under



Sections 147, 148, 149, 307 and 302 of the IPC, under Section 27 of the Arms Act and Section 3 (2) (5) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that when they were irrigating their paddy field on 03.10.2018 at about 3:00 PM, FIR named accused came there and there is specific allegation against accused Rahul Yadav, Rajendar Yadav and Ranjan Yadav of causing firing on the family members of the informant as a result of which wife of the informant died.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. It has been submitted that except being named in FIR, the allegation against appellants are general and omnibus in nature. There is no specific allegation of any overt act committed by appellants and except appellant No. 4 other appellant do not have any criminal antecedent. It has been further submitted that similarly placed co-accused has been granted bail by this Court as contained in Annexure-3 of the petition. They are in custody since 06.02.2019.

Learned counsel for the Informant vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the



case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- 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 shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the Appellants tamper 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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