

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.923 of 2019**

Arising Out of PS. Case No.-99 Year-2018 Thana- NIMACHANDPURA District- Begusarai

Balmiki Yadav, s/o Bino Yadav Resident of Village-Kaith, P.S.-
Neemachandpura, District-Begusarai.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prem Chand Yadav
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 16-04-2019

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 30.01.2019 passed by the learned Special Judge (S.C./S.T. Act), Begusarai in connection with Neemachandpura P.S. Case No.99 of 2018 registered under Section 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the daughter of the informant had married with one Ashoka Yadav. Since the marriage was inter caste marriage, the family members of Ashoka Yadav were not



happy. When daughter of the informant was alone in her parent's house, the appellants and co-accused Ramadhar Yadav entered into the house and attacked on her head with Katta (a sharp cut weapon). This fact was disclosed by the victim herself but died during course of treatment.

Submission of learned counsel for the appellant is that the inquest report as well as post-mortem report would reveal that the doctor found no sharp cut injury rather injuries found were contusion and bruises on the head and fracture of temporal and parietal bone. The nature of the injury found suggest that in fact neither the informant saw the occurrence nor the victim disclosed about the assailants. One more thing is that victim was already married with other persons and she had left her husband and married with Ashok Yadav. Therefore, first husband and family members might have some grudge against the victim. Appellant is in custody since 17.01.2019. The case diary would reveal there is no other eye witness of the occurrence.

Considering the aforesaid contradiction in oral and medical evidence, 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 both bailors shall be resident of territorial jurisdiction of the learned Court below and further the appellant shall fully cooperate with the investigation / 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 this appeal stands allowed.

(Birendra Kumar, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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