

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1032 of 2019

Arising Out of PS. Case No.-198 Year-2018 Thana- BELHAR District- Banka

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Nandu Yadav Sex-Male aged about 27 years Son of Late Babulal Yadav,
Resident of Village-Chirota Rebatoli, Police Station-Belhar, District-Banka.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Javed Aslam
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-03-2019 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 18.01.2019 passed by learned **Additional Sessions Judge-1, Banka**, in connection with **Belhar P.S. Case No. 198 of 2018** registered under Sections 302/34 of the IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that on 17.07.2018 at about 10:30 pm, appellant and two other accused came near his house to attend Puja where there was altercation going on between his uncle Chhotan Khaira and his



aunt and they asked as to why he was beating his wife, and thereafter started assaulting his uncle Chhotan Khaira and dragged him towards Jungle where he was found dead. FIR has been instituted on the next day i.e. on 18.07.2018 in which there is general allegation against all the accused of assaulting the uncle of Informant and dragging him towards forest where he was subsequently found dead.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. It has been further submitted that no motive has been assigned to kill the uncle of Informant. He has been implicated due to previous enmity. Appellant has got no criminal antecedent and is in custody since 20.11.2018.

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)

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