

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1070 of 2019

Arising Out of PS. Case No.-125 Year-2018 Thana- MANPUR District- Nalanda

1. PAPPU YADAV aged about 25 years Gender-Male Son of Arjun Yadav
Resident of Village - Bhat Bigha, P.S.- Deepnagar, Distt.- Nalanda (Bihar).
2. Guddu Yadav aged about 22 years Gender-Male Son of kailash yadav
Resident of Village - Bhat Bigha, P.S.- Deepnagar, Distt.- Nalanda (Bihar).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Kishor Prasad
For the Respondent/s	:	Mr.Binay Krishna

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 **27.02.2019** passed by learned **Additional Sessions Judge-1st, Nalanda at Biharsharif**, in connection with **Manpur P.S. Case No. 125 of 2018** registered under Sections 147, 148, 149, 448, 504, 302 of the IPC, Section 27 of the Arms Act and Section 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in her written complaint that FIR named accused entered the village belonging to Scheduled



Caste and fired indiscriminately. Allegation against Rahul Yadav is of firing upon the husband of informant and regarding remaining is of making indiscriminate firing. Allegation against petitioner is that he ordered to kill all the scheduled caste person of village and set their houses ablaze.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. There is no allegation of any overt act against them. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 25.02.2019 in Criminal Appeal (SJ) No. 558 of 2019. Appellants have got no criminal antecedent and are in custody since 15.12.2018.

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 bonds shall be cancelled by the court below.



(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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