

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1254 of 2019**

Arising Out of PS. Case No.-1225 Year-2018 Thana- SAHARSA District- Saharsa

Chandeshwari Yadav @ Chandeshwari Jadav Son of Late Narayan Yadav  
Resident of Village-Kahra, Belha Tola, P.S and District-Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr. Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

5      25-06-2019                      Heard learned counsel for the appellant and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 06.02.2019 passed by learned 3<sup>rd</sup> Addl. Sessions Judge-cum-Special Judge, Saharsa in Saharsa Sadar P.S. Case No. 1225 of 2018 initially registered under Sections 447, 341, 323, 427, 363, 365, 504, 506, 120(B) of the Indian Penal Code and later on added Sections 302/201 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Ten named accused persons are said to have kidnapped the father of the informant with intent to commit his murder over land dispute.

It is submitted by learned counsel for the appellant



that the appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in this case due to grudge and animosity. He is not named in the FIR. There is nothing on record indicating complicity of the appellant in the occurrence barring confessional statement of co-accused, namely, Sushil Ram due to animosity and the said confessional statement has no evidentiary value in the eye of law. Appellant has no criminal antecedent and has been languishing in custody since 08.12.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3<sup>rd</sup> Addl. Sessions Judge-cum-Special Judge, Saharsa in Saharsa Sadar P.S. Case No. 1225 of 2018 .

Accordingly, the impugned order is set aside and appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

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