

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1247 of 2019**

Arising Out of PS. Case No.-23 Year-2019 Thana- PARAIYA District- Gaya

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1. MUKESH YADAV @ MUKESH KUMAR, aged about 25 years, (Male),
S/o Hari Yadav
 2. Chalitar Yadav, aged about 38 years (Male), S/o Late Buttu Yadav
Both Resident of Village- Pachamo @ Pachmo, P.S.- Paraiya, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kiran Sinha, Adv.

For the Respondent/s : Mr.Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 02-04-2019

Heard the parties.

This is an appeal under Section 14 A(2) of SC & ST (Prevention of Atrocities) Act, 1989 as amended Act 2015, against the refusal of prayer for bail by order dated 08.03.2019 passed by learned Exclusive Special Judge, S.C./S.T. Gaya, passed in B.P. No. 44 of 2019 in connection with Paraiya P.S. Case No. 23 of 2019, registered under Sections 147, 148, 149, 435, 436, 427, 429,/34 of the Indian Penal Code, Section 3 (1) (r) (s) of SC /ST Act.

Informant has alleged in his fardbeyan that on 09.02.2019 appellants along with other 40-50 unknown accused came with J.C.B. and set fire house of informant and Ganesh



Manjhi and Dhanuk Manjhi, as a result of which household articles and grains were burnt.

It has been submitted on behalf of appellants that dispute of informant was with one Nagendra Yadav with regard to possession over the disputed land and the matter was pending before learned D.C.L.R. and he has directed for measurement of land. The dispute was not with the appellants. However, they have been implicated in this case due to village politics and grudge. It has been submitted that they have no criminal antecedent and are in custody since 11.02.2019.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the appellants on bail at this stage. Hence, the prayer of bail of the appellants is hereby rejected.

However, it is observed that appellants named above be released on bail **after six months of custody** upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) 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 Court and their absence on two consecutive dates without sufficient reasons, their bail bond 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.

(S. Kumar, J)

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