

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1268 of 2019**

Arising Out of PS. Case No.-24 Year-2019 Thana- MIRGANJ District- Gopalganj

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Shri Kishun Yadav @ Sri Kishun Ahir aged about 60 years Gender- Male Son of Late Sitaram Choudhary Resident of Village - Dhoshia, P.S.- Mirganj, Distt.- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dhramveer
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 03-04-2019 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 **07.03.2019** passed by learned **1st Additional Sessions Judge, Gopalganj**, in connection with **Mirganj P.S. Case No. 24 of 2019** registered under Sections 302, 120B/34 of the IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Informant has stated in his fardbeyan that on 21.08.2019 at about 10:00 pm his grandson Indrajeet Roy was



in the house when accused Sujit Yadav, Pankaj Yadav, Ramesh Yadav and Vijay Yadav took him with them and Sujit told that he will be returning but soon thereafter Informant was informed by police that his grandson has been killed. He was informed that at the door of Sujit Yadav in presence of his father (petitioner) his grandson was assaulted by some weapon as a result of which he died.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence and has been falsely implicated in this case on suspicion. Informant is not the eye witness. He is old man having no criminal antecedent and is in custody since 13.02.2019.

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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