

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4769 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- SALAKHUA District- Saharsa

Lal Mohan Yadav, S/o Late Lurki Yadav Vill – Situah (Punarbans), P.S-
Salkhua, Distt.-Saharsa

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiva Shankar Sharma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 23-01-2019 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 26.11.2018 passed by the 1st Additional Sessions Judge-cum-Special Judge, Saharsa in connection with Special Case No.143/2018 arising out of Salkhua P.S. Case No.103/2018 registered under Sections 341, 323, 307, 507, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(u)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant in his fardebyan has stated that on 21-22.05.2018 at about 2 a.m. when she was sleeping with her family members, co-accused, Dayanand Yadav and Kamdeo



Yadav entered her house and at the instigation of Dayanand Yadav, Kamdeo Yadav fired upon her husband which hit in his back and effort was made to apprehend them but even after chase, they could not be apprehended and they fled away.

It has been submitted on behalf of the appellant that there is no allegation made against him that he was present at the time of occurrence or any overt act committed by him. He has been made accused in the case as he is father of the other accused named in the F.I.R. Appellant has no criminal antecedent and he is in custody since 05.10.2018

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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