

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4801 of 2018

Arising Out of PS. Case No.-56 Year-2018 Thana- BITHAN BAZAR District- Samastipur

Dev Narain Yadav @ Dev Narayan Yadav, S/O Late Sikki Lal Yadav, resident
of Village- Tetrahi, P.S.- Bithan, District- Samastipur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar Prasad Karn
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-01-2019 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 25.10.2018 passed by the learned Special Judge, POCSO Act, Samastipur in connection with Bithan P.S. Case No.56 of 2018 registered under Sections 302, 323, 504, 506 and 34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that F.I.R. named accused due to land dispute came at his residence and started abusing his father and when they were prevented, they started assaulting his father by slaps and fists and also pushed down his mother. It has



further been alleged that co-accused Brahma Yadav stood on the chest of this father and strangled him as a result of which he died on the spot.

It has been submitted that there is no allegation of any overt act against the appellant and allegation is abusing them by caste name. appellant has no criminal antecedent and he is in custody since 30.06.2018. Charge-sheet has already been submitted in this case.

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)

Sanjay/-

U		T	
---	--	---	--

