

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1066 of 2019

Arising Out of PS. Case No.-68 Year-2017 Thana- LODIPUR District- Bhagalpur

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Jitendra @ Jitendra Yadav @ Jiro Yadav Son of Kailash Yadav Resident of
Village - Baghmara, P.S.- Lodipur, Dist.- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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WITH
CRIMINAL APPEAL (SJ) No. 1470 of 2019

Arising Out of PS. Case No.-68 Year-2017 Thana- LODIPUR District- Bhagalpur

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Hira Yadav Son of Kailash Yadav Resident of Village - Baghmara, P.S.-
Lodipur, Distt - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 1066 of 2019)

For the Appellant/s : Mr.Kumar Praveen, Advocate

For the Respondent/s : Mr.Binay Krishna, SPP

(In CRIMINAL APPEAL (SJ) No. 1470 of 2019)

For the Appellant/s : Mr.Kumar Praveen, Advocate

For the Respondent/s : Mr.Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-04-2019 Heard learned counsel for the parties.

Both these appeals, under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989, against the refusal of prayer for bail vide order dated
01.02.2019 and 06.03.2019 passed by the learned 3rd Additional
Sessions Judge-cum-I/C. Special Judge (S.C./S.T. Act), Bhagalpur, in



S.T. No.107 of 2018, arising out of Lodipur Police Station Case No.68 of 2017, registered under Sections 302/201/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellants and some other co-accused were earlier refused bail by this Court on 29.01.2018 in Cr. Appeal (SJ) Nos. 3375 and 3392 of 2017 in connection with Lodipur P.S. Case No.68 of 2017 for the reason that the allegation was that eight persons assaulted to deceased Ram Ashish Rai and Ram Ashish Rai died thereof. The trial Court was directed to conclude the trial within nine months, failing which the appellant shall be at liberty to renew their prayer for bail.

The orders dated 01.02.2019 and 06.03.2019 of the Court-below would reveal that trial is still pending.

In the meantime, co-accused Lalsugi Yadav having identical allegation was allowed bail by this Court on 06.09.2018 vide Annexure-3.

Considering the entire facts aforesaid and period already undergone, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in



connection with the aforesaid case, with condition that the appellants shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned orders are set aside and the appeals are allowed.

(Birendra Kumar, J)

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