

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1660 of 2019**

Arising Out of PS. Case No.-1225 Year-2018 Thana- SAHARSA District- Saharsa

ANIL YADAV Son of Maletary Yadav, Resident of Village-Parsaha Ward
No.1 Nariyar, Police Station and District-Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Makardhwaj Upadhyay
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 04-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.03.2019 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, Saharsa in connection with Saharsa Sadar P.S. Case No. 1225 of 2018, registered under Sections 447, 341, 323, 427, 363, 365, 504, 506, 120 (B) of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Ten accused persons are said to have kidnapped and murdered the father of the informant over land dispute. One Anil Choudhary had earlier extended threatening of dire consequences to his father.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in this case. He is not named in the F.I.R.. There is nothing on record to indicate the complicity of the appellant in the occurrence barring the confessional statement of the accused Anil Choudhary given before the police which has no evidentiary value in the eyes of law. The said Anil Choudhary has falsely implicated the appellant in the occurrence due to animosity as the wages of appellant was due to Anil Chaudhary and he did not pay the same despite demand made by him. F.I.R. named accused Parmeshwari Yadav has been enlarged on bail by co-ordinate Bench of this Court passed in Cr. Appeal (SJ) No.564 of 2019 vide order dated 29.03.2019.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of



his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, Saharsa in connection with Saharsa P.S. Case No. 1225 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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