

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1737 of 2019**

Arising Out of PS. Case No.-99 Year-2018 Thana- NIMACHANDPURA District- Begusarai

Ramadhar Yadav @ Ramdhar Yadav, Son of Bino Yadav Resident of Village -  
Kaith, P.S.- Neemachandpura, Distt - Begusarai.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

6      10-07-2019                      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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 13.03.2019 passed by learned Special Judge SC/ST Act, Begusarai in connection with Neemachandpura P.S. Case No. 99 of 2018 registered under Section 302/34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over getting married by their cousin, namely, Ashok Yadav with the daughter of the informant, the appellant



along with his brother, namely, Balmiki Yadav intruded into the house of the informant and assaulted on the head of his daughter by means of Katta (a sharp edge weapon). Victim succumbed to injury during the course of treatment. The aforesaid fact was disclosed to the informant by the victim herself.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to ulterior motive. As per the prosecution case, the appellant and his brother had assaulted the victim by means of Katta i.e. sharp edge weapon but the doctor has found contusion and bruises on the head and fracture of temporal and parietal bone caused by hard and blunt substance. The aforesaid aspect of the case rules out witnessing of the occurrence by the informant and disclosing about the assailant by the victim. As the victim had already married with another person and she has deserted her first husband and married with Ashok Yadav, her first husband, his family members might have some grudge against the victim. There is no eye witness of the occurrence in the case diary. Appellant has no criminal antecedent and has been languishing in custody since 14.02.2019. Similarly situated co-accused Balmiki Yadav has been enlarged on bail by a coordinate Bench of this Court in



Cr. Appeal (SJ) No.923 of 2019 vide judgment dated 16.04.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Begusarai in connection with Neemachandpura P.S. Case No. 99 of 2018, with condition that both bailors shall be resident of territorial jurisdiction of the learned Court below and further the appellant shall fully cooperate with the investigation/trial of the case, failing with the learned Court below shall be at liberty to cancel the bail bond of the appellant.

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

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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