

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1738 of 2019**

Arising Out of PS. Case No.-27 Year-2019 Thana- RAHUI District- Nalanda

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1. Beni Yadav Son of Raghuraj Yadav Resident of Village - Ora, P.S.- Rahui, District - Nalanda.
  2. Nitish Yadav @ Rakesh Kumar Son of Beni Yadav Resident of Village - Ora, P.S.- Rahui, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Binay Krishna (App 245)

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL JUDGMENT**

**Date : 22-05-2019**

Heard learned counsel for the appellants and  
learned Spl. P.P. for the State.

The appellants seek pre-arrest bail in connection  
with Rahui P.S. Case No. 27 of 2019 registered under  
Sections 147, 149, 504, 506, 302 of the Indian Penal Code  
and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled  
Tribes (Prevention of Atrocities) Act.

Submission of learned counsel for the appellants  
is that appellants are innocent and have falsely been  
implicated due to village politics. The present case is the  
counter blast to the case lodged by the appellants' side against  
the brother of the informant, as evident from Annexure-2 to



the application. Further submission is that the postmortem examination, which was conducted on the same day, reveals that the time since death to be within 36 hours.

Having heard both sides and in the facts and circumstances of the case, let the above named appellant be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 27 of 2019, subject to the conditions as laid down under section 438(2) of Cr. P.C.

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

**(Arvind Srivastava, J)**

shailendra/-

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