

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1806 of 2019**

Arising Out of PS. Case No.-53 Year-2019 Thana- PRANPUR District- Katihar

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KAPIL YADAV @ KAPILDEO YADAV Son of Nityanand Yadav Resident of
Village - Satrampur, P.S.- Pranpur, Distt - Katihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Binay Krishna (App 245)

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

ORAL ORDER

4 03-07-2019 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 bail vide order dated
26.03.2019 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, Katihar in connection with Pranpur P.S.
Case No. 53 of 2019, registered under Sections 364/120 (B),
302, 201 of the Indian Penal Code and and also under Section 3
(2) (5a) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Co-accused Md. Dabloo is said to have taken the



father of the informant to purchase cattle but his father did not regress his house. The said accused along with unknown miscreants after hatching conspiracy is said to have committed the murder of his father and snatched his money.

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 due to due to suspicion. Appellant is not named in the F.I.R. There is no eye witness of the occurrence. There is nothing on record indicating the complicity of the appellant in the occurrence barring the confessional statement of co-accused Dabloo before the police which has no evidentiary value in the eyes of law. Appellant has no criminal antecedent. He has been languishing in custody since 12.3.2019.

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 on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum- Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities)Act, Katihar in connection with



Pranpur P.S. Case No. 53 of 2019 (G.R. No. 1085 of 2019.

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

(Prakash Chandra Jaiswal, J)

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