

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2505 of 2019**

Arising Out of PS. Case No.-119 Year-2019 Thana- DEEPNAGAR District- Nalanda

Vinay Yadav @ Matlu Yadav Son of Shri Suresh Yadav Resident of Village -
Dumrawan, P.S.- Deepnagar, Dist.- Nalanda (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kishor Prasad
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 25-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 03.06.2019 passed by learned 1st Addl. Sessions Judge,
Nalanda at Biharsharif in Deepnagar P.S. Case No. 119 of 2019
registered under Sections 302/34 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(i)(r)(s), 2(v) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Three FIR named and some unknown miscreants
are said to have gunned down Bishundeo Manjhi and his son



Anandi Manjhi over row of mining the sand. They had also extended threatening of dire consequence to the deceased three days preceding to the occurrence.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. He is not named in the FIR. There is no eyewitness of the occurrence. There is no cogent and incriminating material on record indicating the complicity of the appellant in the occurrence barring his confessional statement and statement of spy about roaming of the appellant along with other accused persons near the house of the deceased preceding to the occurrence which has no evidentiary value in the eye of law. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 03.05.2019.

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 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, Nalanda at Bihar Sharif in connection with Deepnagar P.S. Case No. 119 of 2019.

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

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

