

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2609 of 2019

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

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Hira Yadav @ Hira Lal Yadav Son of Naresh Prasad Yadav Resident of
Village - Naraenpur, P.S.- Mansahi, Dist.- Katihar.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Prasad Sah
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

5 09-09-2019 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 of anticipatory bail
vide order dated 01.06.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge, Katihar in connection with
Pranpur P.S. Case No.53 of 2019 registered under Section
364/120 B of the Indian Penal Code and Section 3(ii) (va) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Father of the informant used to do business of sale



and purchase of cattle. 04.03.2019 Md. Dablu took his father with Rs.1,00,000.00 for purchasing cattle in Banmankhi Cattle Fair but his father did not regress to the house and, subsequently, the dead body of his father was found in the maize field located in village Chilmara P.S. Muffasil, Katihar.

It is submitted by learned counsel for the appellant that appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in the case due to dirty village politics. There is no eye witness of the occurrence. None has seen the appellant with the deceased at the time of occurrence. There is no cogent material in the case diary indicating the complicity of the appellant in the occurrence barring the confessional statement of Md. Dablu which has no evidentiary value in the eye of law. Though during the course of investigation, the appellant was found interacted with the deceased four times on the date of occurrence but as as per the account of the witnesses as mentioned in paragraphs-19 & 42 of the case diary, appellant was having business term with the deceased and there was transaction between them and in course of the aforesaid business transaction appellant had contacted with the deceased on the said date. Moreover, the CDR report of the mobile phone of appellant indicates its location at some



other place at the time of interaction which is neither near the house of the deceased nor at the place where the dead body of the deceased was found. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Pranpur P.S. Case No.53 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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