

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4584 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- KASHICHAK District- Nawada

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1. Nunulal Yadav and Anr Son of Dewan Yadav @ Deonandan Prasad Yadav,
 2. Rahul Yadav, Son of Late Maina Yadav, Both resident of Village Birnawan, P.S. Kashichak, District- Nawada.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhavesh Kumar

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 07-02-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 05.10.11.2018 passed by learned 1st Additional Sessions Judge, Nawada, in Special Case No. 80 of 2018 arising out of Kashichak P.S. Case No. 62 of 2018 registered under Sections 147, 148, 149, 302, 504 of the Indian Penal Code and U/s 3(ii)(v) SC/ST (POA) Act.

Informant has alleged that on 13.05.2018 at 7.00 PM all the eight accused named in FIR assaulted her husband and other family members, as a result, all of them received injuries and her husband died while he was being carried to Hospital.

It has been submitted on behalf of the appellants that



allegations against all the accused are general and omnibus and there is no specific allegation against appellants of committing any overt act. In the post mortem report once lacerated injury on occipital region has been found. Appellants have no criminal antecedent and they are in custody since 27.06.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the appellants tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

(S. Kumar, J)

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