

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4379 of 2018

Arising Out of PS. Case No.-71 Year-2018 Thana- SIRDALA District- Nawada

=====

Pankaj Kumar @ Pankaj Yadav, Son of Subodh Yadav, Resident of Village-
Titahiya Tarh,P.S. Rajauli,Distt.-Nawada

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Sudish Kumar

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

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 22-01-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 20.07.2018 passed by the learned 1st Additional Sessions Judge, Nawada in connection with SPL(H) case no.31 of 2018 arising out of Sirdala P.S. Case No.71 of 2018 registered under Sections 147, 148, 149, 354(A), 307, 302, 504 and 506 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that the appellant used to make vulgar comments on the ladies of his village and on protest being made, F.I.R. named accused variously armed with



lathi and danda abused the informant and others by their caste name and there is specific allegation against co-accused, Ashok Yadav and Yamuna Yadav of assaulting the father of the informant and, as such, he succumbed to his injuries during treatment. Allegation against the appellant is assaulting the villagers who sustained injuries.

It has been submitted on behalf of the appellant that co-accused, Ashok Yadav and Yamuna Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 07.12.2018 passed in Cr. App. (SJ) No.4078 of 2018. Appellant has no criminal antecedent and he is in custody since 19.06.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically



present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the appellant 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 appellant.

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

(S. Kumar, J)

Sanjay/-

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

