

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.188 of 2018**

Arising Out of PS. Case No.-276 Year-2017 Thana- BELAGANJ District- Gaya

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Binod Yadav S/o Sakaldeo Yadav, Resident of Village-Shiv Rampur, P.S.-
Belaganj, District-gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhirendra Kumar Sinha

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 15-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 13.12.2017 passed by learned Special Judge SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 276 of 2017 registered under Sections 341, 448, 354 and 34 of the Indian Penal Code and Section 3(1)(r)(w) (1)(2)(va) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant submits that the appellant, who is of clean antecedent, is innocent and have not committed any offence. In fact, the occurrence took place on 12.08.2017 whereas the F.I.R. has been lodged on 16.08.2017 after lapse of four days without explaining



the plausible delay, which creates doubt over the prosecution version. Hence, the appellant may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 276 of 2017 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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