

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2973 of 2019**

Arising Out of PS. Case No.-69 Year-2018 Thana- SAUR BAZAR District- Saharsa

RAHUL KUMAR YADAV Son of Late Satyadeo Yadav Resident of Village-
Tamkulha, Ward No.11, Baraith, P.S.- Sonbarsa, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rashmi Jha, Advocate.

For the Respondent/s : Mrs. Usha Kumari No.1, Special P.P.

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

ORAL ORDER

3 29-08-2019 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 27.04.2019 passed by learned Additional Sessions Judge-III-cum Special Judge (SC/ST Act), Saharsa in connection with Sour Bazar P.S. Case No. 69 of 2018 registered under Sections 302, 34 of the Indian Penal Code and the chargesheet has been submitted under Section 302, 201, & 120 B/34 of the Indian Penal Code and Section 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Son of the informant is said to have been eliminated by some unknown miscreants when he had gone to drop his aunt at her maternal house.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. He is not named in the F.I.R. There is no eye witness of the occurrence and no incriminating article has been recovered from the conscious physical possession of the appellant. There is no cogent incriminating material against the appellant in the case diary indicating the complicity of the appellant in the occurrence barring the confessional statement of Mandeep Ram, which has no evidentiary value in the eye of law. Appellant has no criminal antecedent. The said Mandip Ram has been enlarged on by a coordinate Bench of this Court vide order dated 19.09.2018 passed in Cr. Misc. No.51730 of 2018.

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 Additional Sessions Judge-III-cum Special Judge (SC/ST Act), Saharsa in connection with Sour Bazar P.S. Case No. 69 of 2018, 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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