

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4700 of 2018

Arising Out of PS. Case No.-564 Year-2018 Thana- NATHNAGAR District- Bhagalpur

Lalan Yadav S/o Bablu Yadav, R/o Vill.- Gosaidaspur, P.S.- Nath Nagar,
District- Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Jha, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 24-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 29.09.2018 passed by learned Special Judge SC/ST Act, Bhagalpur, in connection with Nath Nagar P.S. Case No. 564 of 2018 (G.R. No. 4952 of 2018), registered under Sections 452, 341, 323, 307, 504, 506 of the Indian Penal Code, Section 3(i)(r) SC/ST Act and Section 25(1-b)a/26 of Arms Act.

Informant has alleged that appellant had come to his house armed with pistol and abused him by his caste name and also threatened to kill him.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case



due to village rivalry. Appellant has no criminal antecedent and he is in custody since 10.09.2018.

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/- (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) 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 Court and their absence on two consecutive dates without sufficient reasons, 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)

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