

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.15 of 2019

Arising Out of PS. Case No.-23 Year-2018 Thana- MAIGRA District- Gaya

Vishwanath Yadav, Son of late Hussaini Yadav Resident of village- Harni ,
P.S- Maigra, Dist- Gaya

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Javed Jafar Khan
For the Respondent/s : Mr.Smt Usha Kumari No

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 13-02-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 31.10.2018 passed by learned **Exclusive Special Judge SC/ST, Gaya** in connection with **Maigra P.S. Case No. 23 of 2018** registered under Sections 448, 302 and 201/34 of the IPC and Section 3 (r) (f) (v) of SC/ST (Prevention of Atrocities) Act was added.

Informant has alleged that while she was sleeping with her husband, FIR named accused Somar Yadav and Ajay Yadav took her husband with them and, thereafter, he did not return. His dead body was found in the ditch and she suspected that both of them have killed her husband.



It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to dirty village politics. He is not named in FIR. Name of the appellant has surfaced in this case on the basis of confessional statement of co-accused, Naresh Bhuiyan. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 07.01.2019 passed in Cr. Appeal (SJ) No. 4794 of 2018. Appellant has got no criminal antecedent and is in custody since 05.09.2018.

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/- 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)

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