

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4186 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- SC/ST District- Jehanabad

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1. RAMCHANDRA YADAV Son of Late Janki Yadav Resident of Village - Bishunpur, P.S.- Makhdumpur, Distt - Jehanabad.
 2. Pintu Yadav @ Mintu Kumar Son of Sri Ramchandra Yadav Resident of Village - Bishunpur, P.S.- Makhdumpur, Distt - Jehanabad.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate.

Ms. Babita Kumari, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 15-11-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 26.08.2019 passed by learned 1st Addl. Sessions Judge, Jehanabad in Jehanabad SC/ST P.S. Case No. 34 of 2018 registered under Section 302/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v)(va) of the SC/ST Act.

Over not according toddy, co-accused Ramashray Yadav @ Rinku Yadav assaulted on the head of father of the informant by means of rod and appellants also slated him in the



name of his caste and assaulted him by means of rod and valetha. His father succumbed to his injuries.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to ulterior motive and land dispute. It has further been submitted that alleged occurrence took place on 31.05.2018 but the present written complaint was lodged on 02.06.2018 at 08:00 P.M. in Jehanabad P.S. although inquest was prepared in P.M.C.H. at 12:45 P.M. after death of the deceased which itself creates doubt about the genuineness of the case. It has further been submitted that deceased received injuries due to fall in course of extracting toddy and a false and concocted story has been cooked up to implicate the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. After investigation of the case, I.O. has submitted final form against the appellants. Though doctor has found two head injuries on the person of the deceased, out of which one injury is attributed to co-accused Ramashray Yadav @ Rinku Yadav but assailant of another head injury is not ascertained. Appellants have been languishing in custody since 26.08.2019. Said Ramashray Yadav @ Rinku Yadav has been enlarged on



bail vide order dated 11.03.2019 passed in Cr. Appeal (SJ) No. 516 of 2019 by a co-ordinate Bench of this Court.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail **on completion of nine months in custody** on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 34 of 2018 with condition that (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned. (2) Appellants 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below. (3) If the appellants tamper 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 appellants.

Accordingly, the impugned order is set aside and



appeal is allowed.

(Prakash Chandra Jaiswal, J)

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