IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3862 of 2018

Arising Out of PS. Case No.-705 Year-2018 Thana- SAHARSA District- Saharsa

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Chhatish Yadav Son of Biranchi Yadav, Resident of Village- Baluaha,P.S Sonbarsa Kachahari, District- Saharsa.

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Ashok Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 09-01-2019 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 09.08.2018 passed by learned **1st Additional Sessions Judge-cum-Special Judge, Saharsa** in connection with **Saharsa Sadar P.S. Cse No. 705 of 2018** registered under Sections 341, 323, 447, 324, 325, 307, 504, 506, 379 and 34 of the IPC and Section 3(2) (va) of SC/ST (Prevention of Atrocities) Act.

Informant has stated that FIR named accused including the appellant was abusing and when she prevented them from abusing, appellant Chhatish Yadav armed with iron rod assaulted her as a result of which she fell down and thereafter he

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assaulted on her chest and abdomen and other FIR named accused assaulted other family members.

It has been submitted on behalf of the Appellant that he is innocent and has been falsely implicated in this case and the allegation of assault and abuse is concocted and false. Injury caused to the Informant Ranju Devi has been enclosed as Annexure-2 in which it has been reported that no external injury has been found on the person of Informant. Appellant has got no criminal antecedent and is in custody since 23.06.2018.

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.

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(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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