

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4598 of 2018

Arising Out of PS. Case No.-652 Year-2017 Thana- BAGHA District- West Champaran

Lalbahadur Yadav @ Lalbabu Chaudhary @ Bharat Yadav son of Late Lalan Yadav, resident of Village- Pipariya, P.S.- Bagaha, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suresh Prasad Sharma

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 10-01-2019 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 **20.09.2018** passed by learned **1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran**, in **B.P. No. 3357 of 2018 arising out of Bagha P.S. Case No. 652 of 2017** registered under Sections 304, 201/34 of the IPC and Section 3(2)(r) of SC/ST (Prevention of Atrocities) Act.

Informant who is widow of the deceased has alleged in her written complaint that appellant took away her husband on Tractor for loading and unloading the sand and crushed her husband by the Tractor.



It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on suspicion and village politics. The death of the deceased was accidental which has been supported by all the witnesses examined during investigation. Appellant is in custody since 26.08.2018.

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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