

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4589 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- GURUA District- Gaya

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1. Chhotu Yadav @ Lambu Yadav @ Chotu Yadav, S/o Late Lekha Yadav, null
 2. Ram Chandra Yadav @ Ram Chandar Yadav, S/o Late Lekha Yadav,
 3. Dular Chand Yadav @ Dular Chand Kumar, S/o Late Lekha Yadav,
 4. Baleshwar Yadav, S/o Late Lekha Yadav, All are resident of Village-
Dewanpur, P.S.- Sherghati, District- Gaya, At present resident of Sangahi
Bazar, P.S.- Gurua, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar, Advocate

For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 02-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail by order dated 19.11.2018 passed by learned Exclusive Special Judge SC/ST (POA) Act, Gaya, in connection with Gurua P.S. Case No. 125 of 2018, registered under Sections 3(I) (v-a) of SC /ST (POA) Act.

Informant has alleged in her F.I.R. that the appellants took away her deceased husband with them but when he did not return she went in his search and found that petitioners were carrying the dead body of her husband on a tempo.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case on suspicion only. The deceased husband of informant was a labourer and while he was digging boring for water supply he died due to



electric shock which is also supported by the post mortem report. Appellant nos. 1 to 3 have no criminal antecedent and appellant no. 1 is accused in one case. Appellants are in custody since 19.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each 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) 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 Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.
- (3) If the appellants 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 appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

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