

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4163 of 2018

Arising Out of PS. Case No.-164 Year-2018 Thana- MAHISHI District- Saharsa

-
1. Mahendra Choudhary, son of Late Ram Kishun Choudhary, Resident of Village- Samari Bharna, P.S. Mahisi, District- Saharsa.
 2. Bechan Yadav, son of Parmeshwari Yadav, Resident of Village- Sakra Paharpur, P.S.- Bakhtiyarpur, Balwa Hat O.P. (District- Saharsa).
 3. Sudhir Yadav, son of Brahmdeo Yadav, Resident of Village- Kathdumar, P.S. Bakhtiyarpur (Kanaria O.P.), District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-01-2019 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 19.09.2018 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Saharsa in Special Case No. 165 of 2018 arising out of Mahisi P.S. Case No. 164 of 2018 registered under Sections 147, 148, 149, 341, 342, 447, 302 of the Indian Penal Code, 27 of the Arms Act and 3(i)(R)(S) of the SC/ST (Prevention of Atrocities) Act.

Informant has alleged that while they were sleeping after taking meal alongwith their family, FIR named 14 accused



came on Horse variously armed and there is specific allegation against Chano yadav of firing on the husband of informant from his gun, as a result he fell down and died on the spot. Regarding other FIR named accused allegation is of indiscriminate firing thereafter. It has been further alleged that there is land dispute between the parties and accused were threatening to vacate the land on which they are residing.

It has been submitted on behalf of the appellants that there is no specific allegation against appellants of any overt act and allegation is that they were present alongwith other co-accused. Appellants are in custody since 22.07.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten 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 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 their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.



(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)

veena/-

U		T	
---	--	---	--

