

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.34 of 2019

Arising Out of PS. Case No.-103 Year-2018 Thana- SALAKHUA District- Saharsa

Dayanand Yadav, S/o Lal Mohan Yadav, R/o Village- Situaha (Punarbas) P.S.
Salkhua, District- Saharsa.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiva Shankar Sharma
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 24-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 26.11.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa, in connection with Special Case No. 143 of 2018 arising out of Salkhua P.S. Case No. 103 of 2018, registered under Sections 341, 323, 307, 507, 34 of the Indian Penal Code, Section 27 of Arms Act and Section 3(i)(u)(r) of SC/ST Act.

Informant has alleged that in the night of 21/22.05.2018 while she was sleeping along with her husband Kailu Sharma and other members were also sleeping. In the meanwhile appellant and F.I.R. named accused Kamdeo Yadav entered in the courtyard and at the instigation of appellant,



Kamdeo Yadav fired upon her husband while he was sleeping and the bullet hit the back of her husband as a result of which he was injured and taken to hospital, they chased both the accused but could not be apprehended.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case as there is land dispute between the parties and there is no allegation of any overt act against the appellant and allegation of firing is on Kamdeo Yadav. Allegation against him is only of order giver. Appellant has no criminal antecedent and is in custody since 01.10.2018.

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/- (twenty thousand) 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 Court and their absence on two consecutive dates without sufficient reasons, 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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