

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4528 of 2018**

Arising Out of PS. Case No.-380 Year-2018 Thana- BIHPUR District- Bhagalpur

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1. Tuko Yadav @ Sanjay Yadav, Son of Late Lodho Yadav @ Rajendra Yadav,
  2. Manav Yadav, Son of Late Lodho Yadav @ Rajendra Yadav, Both resident of Village- Madhurapur, P.S.- Bhawanipur (Bihpur), District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Pranav Kumar Jha, Advocate  
For the Respondent/s : Mr.Binay Krishna (APP)

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**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 25.10.2018 passed by learned Special Judge SC/ST Act, Bhagalpur, in connection with Bihpur (Bhawanipur) P.S. Case No. 380 of 2018, corresponding to G.R. No. 5261 of 2018 registered under Sections 3(1)(r)(s) (w) of SC /ST Act.

Informant has alleged in his written complaint that when he was going to purchase vegetables from the market F.I.R. named accused abused and assaulted them and allegation



against petitioner (Tuko Yadav) is of causing assault by iron rod on the head of his friend Kundan Kumar and causing injury on the left hand of his friend Toni Kumar. Allegation against petitioner (Manav Yadav) is of threatening that he will kill him and thereafter they also resorted to firing in the air by their pistol.

It has been submitted that the petitioner has been falsely implicated in this case as he has lodged a complaint against officer-in-charge of police station and subsequently informant has also denied of instituting the said F.I.R. and has filed a compromise petition in the court below. Appellants have no criminal antecedent and are in custody since 28.09.2018.

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)**

Rajiv/-

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