

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4707 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- ANTICHAK District- Bhagalpur

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Ashok Yadav @ Ashok Kumar Yadav S/o Late Gurucharan Yadav, R/o Rani
Diyara, P.S.- Budhu Chak, district- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 09-01-2019 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 03.11.2018 passed by learned ^{3rd} Additional District Judge-cum-Special Judge, (SC/ST Act), Bhagalpur, in Antichak P.S. Case No. 46 of 2018 registered under Sections 341, 323, 504, 506, 307, 147, 148, 149, 447 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s) and 3(2)(Va) of the SC/ST Act.

Appellant had moved this Hon'ble Court for Anticipatory Bail in Cr. Appeal (SJ) No. 4115 of 2018 but



meanwhile he was arrested by the police and taken into Judicial Custody.

Title Suit No. 220 of 2001 is going on between the parties for land dispute in the court of learned Sub-Judge, Bhagalpur, Allegation is that on 22.06.2018, the appellant and other co-accused were plucking the Mango from the Orchard of the informant and when same being objected, petitioner abused and assaulted informant. The allegation is general and omnibus in nature. Similarly placed co-accused, namely Manish Kumar Jha @ Manish Jha has been granted regular bail as contained in Annexure-4 and other co-accused, namely Uday Mandal has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.12.2018 passed in Cr. Appeal (SJ) No. 4115 of 2018. Appellant has no criminal antecedent and he is in custody since 24.10.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) 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) appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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