

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4794 of 2018

Arising Out of PS. Case No.-23 Year-2018 Thana- MAIGRA District- Gaya

Ram Swaroop Yadav @ Ramswrup Yadav Son of Late Bada Yadav, Resident of Village- Harnitand, P.S.- Dumariya (Maigra), District- Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kiran Sinha

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-01-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 31.10.2018 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Maigra P.S. Case No.23 of 2018 registered under Sections 448, 302 and201/34 of the Indian Penal Code and Section 3(r) (f) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that while she was sleeping with her husband, F.I.R. named accused Somar Yadav and Ajay Yadav took her husband with them and, thereafter, he did not return and his dead body was found in the ditch and she



suspected that both of them have killed her husband.

It has been submitted that the name of the petitioner has surfaced in this case on the basis of confessional statement made by co-accused, Naresh Bhuiyan and Vishwanath Yadav. However, statement recorded under Section 164 of Cr.P.C. Naresh Bhuiyan has not taken the name of the petitioner of having committed murder of husband of the informant. Petitioner has no criminal antecedent and he is in custody since 05.09.2018.

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/- 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 the Court and his absence on two consecutive dates without sufficient reason, 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)

Sanjay/-

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

