

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.424 of 2020

Arising Out of PS. Case No.-90 Year-2019 Thana- JAIPUR District- Banka

1. KRISHNADEO YADAV @ KISUN YADAV @ KISHANDEO YADAV, aged about 33 years, Male.
2. Rajesh Yadav, aged about 26 years, Male.
3. Pramod Yadav, aged about 24 years, Male.
All sons of Bhumeswar Yadav.
4. Bhumeswar Yadav @ Bhubneshwar Yadav, aged about 61 years, Male, son of late Munsu Mahto.
All resident of Village - Balukura, P.S.- Jaipur, Dist.- Banka.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 30-09-2020 Heard learned counsel for the appellants and
learned Spl. P.P. for the State through Virtual Court Proceeding.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “S.C./ST Act”) against the order dated 09.01.2020 passed by the learned 1st Additional District and Sessions Judge, Banka, in connection with Jaipur P.S. Case No. 90 of 2019 (G.R. No.177 of 2019), registered for the offence under Sections 341, 323, 307, 379, 504, 506/34 and 448 of the Indian Penal Code and under



Sections 3(1)(r)(4) of the S.C. /S.T. Act, by which the Court below has rejected the prayer for regular bail of the appellants.

Allegation has been made against the appellants that they have come to the house of the informant, started hurling abuses and assaulted the informant and his brother.

Learned counsel for the appellants submits that there is case and counter case from both the sides, inasmuch as, the injuries sustained by the informant and his brother are simple in nature. He further submits that the incident took place on account of land dispute and the appellants are in custody since 23.12.2019.

Looking to the period of custody and the nature of allegation, let the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional District and Sessions Judge, Banka, in connection with Jaipur P.S. Case No. 90 of 2019 (G.R. No.177 of 2019), subject to the condition that (i) one of the bailors shall be a close relative of the appellants and (ii) the appellants shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellants.



Accordingly, the impugned order dated 09.01.2020
is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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