

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.956 of 2020**

Arising Out of PS. Case No.-330 Year-2019 Thana- BELHAR District- Banka

1. SHREE YADAV, S/O Late Aganu Yadav
2. Umesh Yadav, S/O Sitaram Yadav, Both are R/O Village - Badala, P.S. Belhar Distt. Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

2 01-06-2020 The matter has been taken up through Video Conferencing.

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 04.02.2020 passed by the learned 1st Additional Sessions Judge, Banka in connection with GR No. 148 of 2019A arising out of Belhar P.S. Case No. 330 of 2019 registered under Sections 341, 323, 506, 307, 379/34 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

Allegation of commission of assault at the head of the injured is against three persons including the appellants.



However, the Doctor has found single head injury caused by hard blunt substance.

Considering the aforesaid contradiction between oral and medical evidence as well as completion of investigation and statement of the appellants on oath that they have got no criminal antecedent coupled with the fact that there is no material to substantiate that the appellants are going to tamper with the evidence or hamper the trial, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees 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, subject to the following conditions:-

(a) 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 bond of the appellants.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellants shall not leave the country without permission of the learned trial court.

If the appellants would not be able in furnishing sureties due to lockdown, they shall be provisionally released on



their personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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