

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.953 of 2020**

Arising Out of PS. Case No.-76 Year-2018 Thana- CHANDI District- Bhojpur

BABUA YADAV, Son of Awadesh Yadav, Resident of Village - Salempur, P.S.
- Chandi, District - Bhojpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, 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 22.01.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with SC/ST Case No. 152(A) of 2018 arising out of Chandi P.S. Case No. 76 of 2018 registered under Sections 302/34 of the Indian Penal Code as well as Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act.

According to FIR, the appellant and five others are suspected to have committed murder of the father of the informant.



Submission is that the appellant has got no criminal antecedent. Investigation of the case is already complete against the appellant. The police had not sent up the appellant for trial. However, the learned court below has differed with the police report and took cognizance. There is no eyewitness of the occurrence.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the material aforesaid, the appellant does not deserve to be further detained as under trial prisoner, hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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 appellant 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 appellant.

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

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



If the appellant would not be able in furnishing sureties due to lockdown, he shall be provisionally released on his 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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