

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1099 of 2020**

Arising Out of PS. Case No.-31 Year-2017 Thana- GOVINDPUR District- Nawada

RAMA AWADHESH YADAV @ BARE YADAV @ RAM AWADHESH
YADAV @ BUDDU YADAV, S/o Narayan Yadav, Resident of Village-
Mahakar, P.S-Govindpur, District-Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Man Mohan Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-06-2020 The proceedings of the Court are being conducted
through Video Conferencing and the Advocates joined the
proceedings through Video Conferencing from their residence.

Heard learned counsel for the Parties.

This is an appeal under Section 14A(2) of SC & ST
(Prevention of Atrocities) Amendment Act, against the refusal
of prayer for bail by order dated 15.02.2020 passed by learned
Additional Sessions Judge-1,-cum-special Judge (SC/ST Act)
Nawada, in connection with B.P. No. 466 of 2020 arising out of
Govindpur P.S. Case No. 31/2017 (Special Case No. 196 of
2017), registered under Sections 288, 337, 338, 304-A, 370,
371, 374, 504, 506 of the Indian Penal Code and Section 3(I)(R)
(S(H) of SC/ST (POA) Act.



As per written application of informant Saroj Devi that on 30.03.2017 the water tank of bricks-kiln was burst and the bricks fell down, as a result of which some labourers got injured and husband and son of the informant died on the spot. It has been further stated that informant and injured persons were working at bricks-kiln of Binod Marka under compulsion and on refusal from work, Binod Marka used to abused them by calling by their caste name and threatened to kill him.

It has been submitted on behalf of the appellant that appellant is innocent and has been falsely implicated in this case. It is further submitted that owner of Bricks-kiln is co-accused Upendra Yadav and appellant is brother of Upendra Yadav. Appellant has no criminal antecedent and is in custody since 27.01.2020.

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/-(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, 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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