

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1334 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- CHANDAN District- Banka

HARI PRASAD YADAV @ HARI YADAV Son of Late Rameshwar Yadav
Resident of Village - Govindpur, P.S.- Chandan, District - Banka.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee, Advocate
For the Respondent/s : Mr.Vinay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-06-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the appellant and the learned Counsel for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 19.5.2020 passed by learned Additional Sessions Judge- I Banka -sum- Special Judge, SC/ST Act Banka in G.R. No. 41 of 2020 arising out of Chandan PS Case No. 75 of 2020 registered under Sections 447, 147, 148, 149, 341, 323, 324, 307, 504, 506, 188, 269, 302 of the IPC and Section 3(i) (r), (s) of SC & ST Act.



Informant has alleged that while he along with his brother Jugal Tanti were engaged in measuring their own land, eleven accused persons other than the appellant, have obstructed the same and assaulted his brother Jugal Tanti with deadly weapons. Subsequent to lodging of the FIR Jugal Tanti has succumbed to the injuries.

Learned Counsel submits that the appellant is aged about 82 years. He has no criminal antecedent. The parties are resident of the same village still he has not been named in the FIR. Only after 302 IPC was added in the case, the informant in his restatement has named the appellant for the reason that the appellant is father of the three of the name co-accused namely Pramod, Pappu and Subodh Yadav. There is also submission that it is an implication due to subsisting enmity. Annexure 2 is the counter case lodged by the appellant's son upon the prosecution party. The appellant is in custody since 13.4.2019

Learned Special PP has opposed the prayer for bail. Referring to the case diary he submits that the informant and others have stated the name of the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the appellant is allowed.

Let the appellant above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I Banka in G.R. No. 41 of 2020 arising out of Chandan PS Case No. 75 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This appeal is accordingly allowed and the order dated 19.5.2020 passed in G.R. No. 41 of 2020 arising out of Chandan PS Case No. 75 of 2020 by Additional Sessions Judge-I, Banka, is set aside.

(Madhuresh Prasad, J)

SNkumar/-

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

