

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1330 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- TEGHRHA District- Begusarai

1. SUBHASH KUMAR YADAV Son of Kamleshwari Yadav Resident of Village - Kirtaul, P.S.- Teghra, District - Begusarai.
2. Sanjeev Kumar Yadav Son of Jayjay Yadav Resident of Village - Bhagatpur, P.S.- Balia, District - Begusarai.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari, 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 appellants and the learned Counsel for the State.

The appellants have 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 28.2.2020 passed by learned Special Judge, SC/ST Act Begusarai in Teghra PS Case No. 39 of 2020 registered under Sections 341, 323, 504, 379/34 of the IPC and Section 3(i) (r), (s) of SC & ST Act.

The informant has alleged that the appellants demanded extortion. Upon refusal, there is allegation of hurling abuses by



informant's caste name and assaulting her son with fists and slaps and butt of pistol.

Learned Counsel for the appellants submits that it is a case of false implication. The informant has subsequently realised her mistake and has filed a petition in the court below, wherein she has stated that harmony has been restored. Copy of the petition is Annexure 2. The appellants are in custody since 25.2.2020. It is submitted that the court below has over looked the compromise based on surmises and conjectures,

Learned Special PP has opposed the prayer for bail.

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

Let the appellants 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 Special Judge, SC/ST Act, Begusarai in Teghra PS Case No. 39 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 28.2.2020 passed in Teghra PS Case No. 39 of 2020 by Special Judge, SC/ST Act, Begusarai, is set aside.

(Madhuresh Prasad, J)

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