

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3658 of 2019

Arising Out of PS. Case No.-377 Year-2013 Thana- FATEHPUR District- Gaya

NAWAL KISHOR PRASAD YADAV @ NAWAL YADAV Son of
Ramchandra Prasad Yadav Resident of Village - Salaiyakala, Adharki Chak,
P.O.- and P.S.- Fatehpur, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Savitri Devi W/o Late Balo Manjhi Resident of Village - Simariyatola,
Nawadih, P.S.- Fatehpur, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Anand, Advocate.
For the Informant	:	Mr. Arun Kumar Gupta, Advocate.
For the State	:	Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 14-02-2020 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 against the refusal of prayer for anticipatory bail vide order dated 31.07.2019 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 205 of 2019, arising out of Fatehpur P.S. Case No. 377 of 2013 registered under Sections 147, 148, 149, 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 20(b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. reveals that murder of the husband of the



informant was committed on 23.11.2013 by some unknown person. The informant further states that on the basis of her experience and knowledge, the appellant and other named persons were involved in the murder.

Submission is that considering suspicion as material, similarly situated co-accused namely Jeetendra Singh, Karu Yadav and Dilip Singh were allowed anticipatory bail by different co-ordinate Benches of this Court in Cr. Misc. No. 31520 of 2014 and Cr. Misc. No. 31600 of 2014 respectively.

Finding substance in the submission aforesaid, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) 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.

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

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

(Birendra Kumar, J)

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