

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5408 of 2019

Arising Out of PS. Case No.-224 Year-2019 Thana- DELHA District- Gaya

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Munna Kumar @ Munna Yadav S/o- Shivnandan Yadav Resident of Village-
Bajitpur Shakir Bigaha, P.S.- Belaganj, District- Gaya, presently residing at
Mohalla- Kalyanpur, P.S.- Badki Delha, District- Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms.Babita Kumari, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-02-2020 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 13.11.2019 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in connection with Delha Police Station Case No.224 of 2019, registered under Section 302/34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Informant is not an eyewitness of the occurrence of assault committed to her son who died of the said assault. The informant got information from one Raj Kumari Devi who had witnessed the occurrence. Raj Kumari Devi in her statement



before the police does not say that the appellant was one of the participant in the occurrence of assault or was present thereat at the time of assault committed against the deceased.

Since there is no substantial material against the appellant, 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 Code of Criminal Procedure as well as condition that 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.

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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