

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1105 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- SALAKHUA District- Saharsa

Pankaj Yadav S/o- Ashrafi Yadav Resident of Village- Goriyari, P.S.- Salkhua,
Distt.- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nafisuzzoha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 02-03-2021 Heard learned counsel for the parties.

The present appeal has been filed against order dated 14.12.2020 passed by learned A.D.J.-3rd cum Special Judge, SC/ST Act, Saharsa in ST Case No. 79 of 2020, arising out of Salkhua P.S. Case No. 82 of 2020 registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of SC/ST Act, whereby, the prayer for bail of appellant was rejected.

As per the prosecution case, on 23.03.2020 at about 8:00 AM, all the FIR named persons and 25-30 unknown persons, armed with different weapons, came at the house of informant and destroyed informant's roofs and looted articles from his shop and on protest, they abused and assaulted son of the informant and his neighbours.



It is submitted on behalf of appellant that appellant is not named in the FIR. Name of appellant has come during course of investigation without any cogent evidence. It is further submitted that one similarly situated co-accused Ramesh Kumar Yadav has already been granted bail by this Court, vide order dated 08.02.2021 passed in Cr.Misc. No. 1743 of 2020. The appellant has no criminal antecedent, as stated in paragraph – 3 of the memo of appeal, and he is in custody since 29.07.2020.

Considering the aforesaid facts & circumstances as well as nature of allegation, the impugned order dated 14.12.2020 passed by learned A.D.J.-3rd cum Special Judge, SC/ST Act, Saharsa in ST Case No. 79 of 2020, arising out of Salkhua P.S. Case No. 82 of 2020 is set aside and appeal is allowed.

Accordingly, let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-3rd cum Special Judge, SC/ST Act, Saharsa in connection with ST Case No. 79 of 2020, arising out of Salkhua P.S. Case No. 82 of 2020, on following conditions:

“(1) Appellant shall cooperate in the trial and shall be properly represented on each and



every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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