

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1975 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- KACCHWA District- Rohtas

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DINESH YADAV S/O SHIV PRASAD YADAV @ PRASAD YADAV R/o
village- Kanchan Bigha, P.S.- Kachhawan, District- Rohtas

... .. Appellant

Versus

1. The State of Bihar
2. UPENDRA PASWAN S/O VIKRAMA PASWAN R/o village- Rajpur, P.S.-
Imadpur, District- Bhojpur

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Ramashray Roy, Advocate

For the State : Ms. Usha Kumari No. 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-08-2021 Heard the parties in virtual Court proceeding.

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 bail by order dated 09.02.2021 passed by the learned 1st Additional Sessions Judge cum Special Judge, Rohtas at Sasaram in Registered No. 179/2020, C.I.S. No. 179/2020 (Arising out of Kachhawa P.S. Case No. 21 of 2020 registered under Sections 147, 148, 149, 341, 326, 307, 504 of the I.P.C., Section 27 of the Arms Act and Section 3(i)(r)(s) of the SC/ST Act.



Two persons including the appellant started firing at the informant. One of the fire caused injury at the back of the informant.

Submission is that the doctor has found single firearm injury and it is not specific as to who had caused the said injury. Appellant is in custody since 07.12.2020.

Considering the facts aforesaid, specially completion of investigation and no material to substantiate that the appellant is going to tamper with the evidence, let the appellant, above named, be released on bail, **after framing of the charges so that trial may not hamper**, 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, with 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 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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