

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2005 of 2021

Arising Out of PS. Case No.-122 Year-2019 Thana- PALIGANJ District- Patna

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LALU YADAV Son of Mithilesh Yadav Resident of village - Lalganj Sehara,
P.S.- Paliganj, Dist.- Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Prem Ranjan Kumar

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 31-08-2021 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 17.12.2020 passed by the learned Additional Sessions Judge-III-cum Special Judge, SC/ST Act, Patna in connection with Special Case No. 161 of 2019 arising out of Paliganj P.S. Case No. 122 of 2019 registered under Sections 302/34 of the I.P.C., and Section 3(ii)(v) of the SC/ST Act.

The appellant and co-accused Indrajeet Yadav allegedly assaulted with lathi, danda to the deceased causing serious injuries.



Submission is that the doctor has found single head injury as cause of death and accusation is not specific against anyone. Moreover, the appellant is victim of false implication due to enmity. The appellant has got no criminal antecedent. There is delay of three days in lodging of the FIR which creates doubt whether the informant had seen the occurrence. Appellant is in custody since 17.09.2020. Investigation of the case is already complete.

Considering entire facts aforesaid, there is no need for further detention of the appellant as under-trial prisoner after completion of investigation, hence, let the appellant, above named, 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, 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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