

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.847 of 2021

Arising Out of PS. Case No.-193 Year-2019 Thana- DELHA District- Gaya

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MANOJ YADAV @ MANOJ KUMAR YADAV S/o Rameshwar Yadav @
Rameshwar Singh Resident of Village- Kharkhura, P.S.- Delha, District-
Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-06-2021 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 27.11.2020 in B.P. No. 372 of 2020 passed by the learned Special Judge (SC/ST Act), Gaya in connection with Delha P.S. Case No. 193 of 2019 registered under Sections 302/34 of the I.P.C., Section 27 of the Arms Act and Section 3(r) (v) of the SC/ST Act.

According to FIR, the appellant is main assailant of



the deceased. In the past, prayer for bail was refused on 05.02.2020 vide order at Annexure-1.

Submission is that the appellant is in custody since 12.07.2019.

The report of the trial Judge dated 31.03.2021 would reveal that only one prosecution witness has been examined up till now.

There is no chance of early conclusion of trial due to Covid effect. Hence, further detention of the appellant as under trial prisoner would not be required unless there is material to substantiate that the appellant is going to tamper with the evidence.

Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond 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 condition that both the bailors shall be the resident of territorial jurisdiction of the learned Court-below and further 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.



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

(Birendra Kumar, J)

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