

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2372 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- SALAKHUA District- Saharsa

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Amar Yadav Son of Dilo Yadav @ Dileshvar Prasad Yadav, Resident of
Village - Nonha, Police Station - Mansi, District - Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kedar Sada Son of Late Polo Sada, Resident of Ram Pokhar, Police Station-
Salkhua (O.P. Banma Ithari, District - Saharsa.)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Viveka Nandsingh, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 30-11-2022

Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present appeal has been preferred under section
14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of prayer
for bail vide order dated 08.06.2022 in Special Case No. 41 of
2022 arising out of Salkhua P.S. Case No. 28 of 2022 for the
alleged offence under sections 341, 323 and 307/34 of the
Indian Penal Code read with sections 3(i)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 and Section 27 of the Arms Act.

As per prosecution, the allegation of abuse has been made
against the informant and also of firing from which no one was

injured.

Learned counsel for the appellant submits that appellant has not injured to anybody, as such section 307 of I.P.C. is not made out. Learned counsel further submits that the appellant is in custody since 27.02.2022 and charge sheet has already been filed in this case. Learned counsel further submits that there are 4 criminal cases pending against the present appellant and he is on bail in all the cases.

Learned Special Public Prosecutor opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd, Saharsa-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, in Special Case No. 41 of 2022 arising out of Salkhua P.S. Case No. 28 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed. In case of non-appearance for two consecutive dates

without sufficient cause, his bail shall be cancelled.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Accordingly, the impugned order dated 08.06.2022 passed in Special Case No. 41 of 2022 arising out of Salkhua P.S. Case No. 28 of 2022 for the alleged offence under sections 341, 323 and 307/34 of the Indian Penal Code read with sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 27 of the Arms Act is set aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	