

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.125 of 2017

Arising Out of PS.Case No. -360 Year- 2016 Thana -TURKAULIYA District- EAST
CHAMPARAN(MOTIHARI)

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Abhishek Kumar Yadav @ Abhishek Kumar, Son of Sunil Rai, resident of
Village- Jaisingh Pur, P.S.- Turkauliya District- East Champaran.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

4 23-03-2017 Heard learned counsel for the appellant as well as
learned Special Public Prosecutor.

Learned counsel for the appellant has submitted that
appellant has been victimized, which is itself apparent from
perusal of the written report wherein the Principal has disclosed
that aforesaid activities were committed at the instance of one
Ramakant Kumar Yadav, one of the teachers of that school. So far
allegation is concerned, it has also been submitted that same
happens to be improbable in the background of the fact that once
the police had come at the place of occurrence, then in that event,
there was no possibility for the appellant and others to return back



and further took out Rs. 43,200/-, which was digested by the prosecution party themselves. Apart from this, it has also been submitted that though charge sheet has been submitted under Sections 341, 323, 353 I.P.C. and Section 3(i) (x) S.C./S.T. (POA) Act but cognizance is yet to be taken and for that the appellant, who has got no criminal antecedent, is under custody since 30.10.2016.

On the other hand, the learned Special Public prosecutor opposed the prayer.

It has been alleged by the informant that the appellant along with others came at the school and indulged themselves with an altercation with the Principal for which police was informed. The police came and after returning from there, again the miscreants came, assaulted the Principal, took out Rs. 43,200/-, abused by caste name and spitted over the Principal.

In the aforesaid facts and circumstances of the case, the appellant, namely, Abhishek Kumar Yadav @ Abhishek Kumar is directed to 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 the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 360 of 2016, after setting aside the order dated



03.12.2016 passed by learned 1st Additional Sessions Judge, East
Champaran at Motihari in B.P. No. 2263 of 2016.

Consequent thereupon, instant appeal is allowed.

(Aditya Kumar Trivedi, J)

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