

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1617 of 2018

Arising Out of PS.Case No. -1435 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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Yogendra Singh, son of Siyaram Singh, resident of Village- Bahdarpur,
Ward No. 6, P.S. Muffasil (Lakho O.P.), District- Begusarai.

.... Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi, wife of Rajendra Ram, resident of village Bahadarpur,
P.S. Muffasil (Lakho O.P.), Distt. Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai, Advocate.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-05-2018 Heard learned counsel for the Appellant and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned
order dated 24.04.2018 passed by **Sri Anil Kumar Sinha,**
learned Special Judge SC/ST Act, Begusarai, in connection
with Complaint Case No. 1435C of 2016 registered for the
offence under Sections 147, 148, 323, 379, 307, 354 of the Indian
Penal Code, Section 3 (1) (X) of SC/ST Act and Sections 3, 4 of
Dayan Act by which the prayer for anticipatory bail of the
Appellant has been rejected.

Learned counsel for the Appellant has submitted that
there is no specific allegation against the Appellant of abusing the



complainant by calling her caste name. The specific allegation against the Appellant is of assaulting the husband of the complainant with iron rod which hit on his shoulder, but there is no any injury report of the husband of the informant. It has further been submitted that the informant is in habit of filing such type of cases against the Appellant on account of land dispute. It has further been submitted that much prior to the present case, SC/ST P.S. Case No. 36 of 2003 had been lodged by the complainant against the Appellant and his family members, in which, they were acquitted. Similarly, the complainant had also filed an application for Proceeding under Section 144 Cr. P.C. which has been dropped by the learned Sub Divisional Judicial Magistrate, Begusarai, on 08.06.2012.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order dated 24.04.2018 passed by the Sri Anil Kumar Sinha, learned Special Judge SC/ST Act, Begusarai, in connection with Complaint Case No. 1435C of 2016, is hereby set aside.

Let the Appellant above named in the event of surrender/arrest within six weeks from today, in connection with **Complaint Case No. 1435C of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) each with two sureties of the like amount each to the satisfaction of **Sri Anil Kumar Sinha, learned Special Judge, SC/ST Act, Begusarai**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) Appellant shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

(Sanjay Priya, J)

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