

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.83 of 2019

Arising Out of PS. Case No.-119 Year-2018 Thana- BIHPUR District- Bhagalpur

Kumod Yadav @ Kumod Kumar Yadav Late Janardan Yadav vill-Narayanpur,
P.S-Bihpur(Bhawanipur),Distt.-Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 15-04-2019

I.A. No.1 of 2019 has been filed in this case for condoning the delay and it is submitted that the order has been passed on 19.6.2018 but seven days has been consumed for granting certified copy of the order and further as there was some correcting in the order dated 19.6.2018, as such the correction has been made on 7.7.2018, this case has been filed within 180 days due to correction.

In view of the averments made in the petitioner, the delay is condoned and I.A.No.1 of 2019 is allowed.

The appellant is apprehending his arrest in connection with Bihpur (Bhawanipur) P.S.case No.119 of 2018 , registered for offences punishable under Sections 341, 323, 379, 363, 365, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act.

Allegation as per FIR is that the election of the Student Union was going on and in the meantime, Narendra Yadav and Raushan Yadav abused the informant by



caste name and asked him to withdraw from the election and thereafter there is allegation that Raushan Yadav and this appellant pointed pistol on him.

Submission of the learned counsel for the appellant is that there is no allegation of abusing by caste name and the whole allegation of false and concocted as he was never abused by teacher of the said college..

Heard learned Spl.P.P. also.

Having heard both sides and considering the facts and circumstances that the co-accused Roushan Yadav has been granted privilege of anticipatory bail, vide judgment dated 14.12.2018 passed in Cr. Appeal (S.J.) No.3807 of 2018, let the appellant, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned IIIrd ADJ cum SC/ST Special Judge, Bhagalpur in connection with Bihpur (Bhawanipur) P.S.Case No.119 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid observation, this appeal is allowed with respect to the above named appellnat and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

