

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2165 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- SC/ST District- Nalanda

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Anil Yadav, S/o Baleshwar Yadav, R/o village- Jhamta Par, P.S.- Sare,
District- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kishor Prasad
For the Respondent/s : Mrs. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

5 20-11-2019 Heard learned counsels for the appellant and the

State.

The present appeal has been preferred by the appellant for setting aside the order dated 10.04.2019, passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in A.B.P. No. 758 of 2019, whereby the prayer of anticipatory bail of the appellant has been rejected in connection with Nalanda Sadar SC/ST P.S. Case No. 03 of 2019, registered for the offences punishable under Sections 341, 323, 307 and 504 of the IPC, and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the appellant abused the informant by calling his caste name and assaulted him causing injury on his abdomen.



Learned counsel for the appellant submits that in the background of partnership dispute between the parties, the accusation has been levelled against the appellant. It is further submitted that the appellant has also filed Complaint Case No. 152C of 2019 against the informant and the injury of the informant has been found superficial simple in nature. It is further submitted that for the alleged occurrence of 06.02.2019, the FIR has been registered on 08.02.2019. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent.

Learned counsel for the State, after going through the case diary, submits that the appellant is named in the FIR with specific accusation.

Considering the nature of accusation not being corroborated by the medical opinion, delayed lodging of the case and the appellant having no criminal antecedent, the order dated 10.04.2019, passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in A.B.P. No. 758 of 2019, is hereby set aside and the appellant is directed to be released on anticipatory bail, in the event of arrest/surrender before the learned Court below within a period of 12 weeks from today, on furnishing the bail bonds of Rs. 10,000/- (ten thousand) each



with two sureties of like amount each to the satisfaction of learned learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in connection with Nalanda Sadar SC/ST P.S. Case No. 03 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Accordingly, the present appeal stands allowed.

(Dinesh Kumar Singh, J)

Amrendra/-

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