

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2579 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- PRANPUR District- Katihar

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SANTOSH YADAV @ SANTOSH KUMAR YADAV Son of Gorakh Nath
Yadav Resident of Village - Lal Ganj, P.S.- Pranpur (Roshana), Distt -
Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajit Kumar Singh
For the State	:	Mr. Binay Krishna
For the Informant	:	Mr. Dhananjay Kumar Gupta

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 20-08-2019 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
13.05.2019 passed by learned 1st Addl. Sessions Judge cum
Special Judge, Katihar in Pranpur (Roshana) P.S. Case No. 77 of
2019 registered under Sections 341, 323, 324, 326, 307 and
379/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the
SC/ST Act.

Appellant along with 3-4 unknown miscreants
armed with sword and lathi are said to have surrounded the



informant during the course of proceeding to railway line for defecation. Appellant slated him in the name of his caste and assaulted on his head by means of sword over demand of dues of Rs.300/- by the informant from him for repairing of the cycle.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. As a matter of fact, informant has taken Rs. 5000/- from the appellant for running his cycle repair shop and on demand of the same he has falsely implicated the appellant in the case. Informant is in habit of taking money from the villagers and seldom returns back their money. He might have been assaulted by some other person at some different place by his lender for not returning back money by him. There is no eye witness of the occurrence. Doctor has found only one injury on the person of the informant though grievous in nature but there is no repetition of blow. There is inordinate and abnormal delay of 16 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. Appellant has no criminal antecedent and has been languishing in custody since 02.05.2019.

Learned Spl. PP for the State and learned counsel for the informant opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellant is directed to be enlarged 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 1st Addl. Sessions Judge cum Special Judge, Katihar in connection with Pranpur (Roshana) P.S. Case No. 77 of 2019.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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