

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3985 of 2019**

Arising Out of PS. Case No.-132 Year-2017 Thana- MUFFASIL District- West Champaran

NEHAL KUMAR @ AASHISH RAJ Son of Hemant Kumar Resident of
Mohalla- Saraswati Nagar, Police Station- Bettiah Muffasil, District- West
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 07-11-2019 Heard learned counsel for the appellant 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 anticipatory bail vide order
dated 25.07.2019 passed by learned 1st Addl. District and
Sessions Judge cum Special Judge, Bettiah, West Champaran in
Bettiah Muffasil P.S. Case No. 132 of 2017 registered under
Sections 147, 341, 323, 324, 379 and 504 of the Indian Penal
Code and Section 3(i)(x) of the SC/ST Act.

While the informant was regressing to his house in
the night, seven named accused persons including the appellant
surrounded him on the way and assaulted him by means of fist
and belt slating him and snatched his cash of Rs. 30,000/-,



mobile and wrist watch. Co-accused Pinku Srivastava took him to his house and pressed his neck.

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 merely because his father happens to be witness of Bettiah Muffasil P.S. Case No. 121 of 2017 lodged by one Murari Kumar against the informant and others preceding to the case under hand. Moreover final form has been submitted by the I.O. after investigation of the case under hand. Informant has not sustained any injury in the occurrence. Learned lower court has also not mentioned any injury in the impugned order after perusal of the case diary. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Allegation of theft is super addition. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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. District and Sessions Judge cum Special Judge, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No. 132 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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