

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4622 of 2019**

Arising Out of PS. Case No.-76 Year-2019 Thana- MORKAHI District- Khagaria

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BINOD YADAV Son of Chhathu Yadav Resident of Rohiyar Bangalia, P.S.-
Choutham and District- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 24-10-2019 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 26.09.2019 passed by learned 1st Addl. Sessions Judge,
Khagaria in Morkahi P.S. Case No. 76 of 2019 registered under
Sections 147, 148, 149, 341, 323, 392, 393, 394 and 307/34 of
the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

While the informant was proceeding to his house from
Khagaria in the night, five named accused persons including the



appellant armed with weapons accosted him and slated him in the name of his caste and snatched his golden locket and cash of Rs. 8000/-. Co-accused Chandan Yadav pointed pistol on his temple and said accused and Lalan Yadav tried to strangle his neck by wrapping gamchha.

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 due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There was none at the place of occurrence at the time occurrence, hence no offence under SC/ST Act is made out against the appellant. Allegation of theft is super addition. There is inordinate delay of 7 days in filing the complaint petition without assigning any plausible explanation for the aforesaid delay. 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. Sessions Judge, Khagaria in connection with Morkahi P.S. Case No. 76 of 2019, 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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