

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4750 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- MURLIGANJ District- Madhepura

ABHINANDAN YADAV Son of Late Saburi Yadav @ Guleri Yadav Resident
of Village- Gangapur, Ward No. 06, P.S.- Murliganj, District- Madhepura.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 14-11-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 06.09.2019 passed by learned 1st Additional Sessions Judge, Madhepura in connection with Murliganj P.S. Case No. 192/2018, SC/ST Case No.107/2018 registered under Sections 341, 323, 379, 504, 34 of the Indian Penal Code and Section 3(i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with co-accused Subodh Yadav taking the informant outside of the village in the night at about



11 P.M. slated in the name of caste and assaulted him by means of lathi and snatched his mobile and cash of Rs. 1500/- from his pocket over old animosity.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to old animosity. Informant has not sustained any injury in the occurrence. Slating the informant in the name of caste is said to have been made outside of the village in the night at about 11 P.M. and not in public view, hence no offence under SC/ST Act is made out against the appellant. Allegation of theft is super addition. There is delay of two days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl.



Sessions Judge, Madhepura in connection with Murliganj P.S.
Case No.192/2018, SC/ST Case No.107 of 2018, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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