

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5413 of 2019**

Arising Out of PS. Case No.-104 Year-2019 Thana- BIRPUR District- Supaul

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Alok Kumar Yadav @ Alok Kumar S/o Anil Kumar Yadav Anil Bhushkulia
Resident of Birpur (Driver Colony), North of Vishkarma Chauk, P.S.- Birpur,
District- Supaul

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Arun, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-12-2019 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 18.10.2019 passed in A.B.P. No. 1107 of 2019 arising out of Birpur P.S. Case No. 104 of 2019 registered under Sections 147, 148, 149, 323, 324, 325, 307/120B of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned Additional Sessions Judge-1st-cum- Special Judge SC&ST, Supaul.

Learned counsel for the appellant submits that the appellant is innocent and there is general and omnibus



allegation of abused and assault against the appellant and the appellant has falsely been implicated in the present case due to supporter of Mukhiya with whom the informant has disclosed his enmity.

Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail of the appellant.

Considering the facts and circumstances of the case, wherein it is the submission of the learned counsel for the appellant that there are general and vague kind of allegations against this appellant , no specific weapon has been attributed to him and the allegations of assault have been made against 11 named and 8-10 unknown persons and there being no relationship of this appellant with Mukhiya with whom the informant has disclosed his enmity as also that this appellant has got no criminal antecedent and it is not the submission of the State that his custodial interrogation is otherwise required, the impugned order dated 18.10.2019 passed in A.B.P. No. 1107 of 2019 arising out of Birpur P.S. Case No. 104 of 2019 by learned Additional Sessions Judge-1st-cum- Special Judge SC&ST, Supaul is set aside. The appeal is allowed.

Let the appellant above named, in the event of his arrest or surrender within a period of four weeks from today be



enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge SC&ST, Supaul in connection with Birpur P.S. Case No. 104 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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