

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.122 of 2020

Arising Out of PS. Case No.-165 Year-2019 Thana- RAJAOLI District- Nawada

CHHOTELAL YADAV @ CHHOTELAL KUMAR Son of Balijeet Yadav
Resident of Village - Bhagwanpur, P.S.- Rajauli, Distt - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Adv
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 12.12.2019 in A.B.P. No.1615 of 2019 arising out of Rajauli P.S.Case No.165 of 2019 passed by the learned Special Judge, SC/ST Act, Nawada registered under Sections 147,341,323,379,504 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

Prosecution case, in short, is that on 17.05.2019 at about 10:00 P.M. in the night when the informant Rajkumar Pd. was returning to his house to perform marriage of his daughter and when he came near Rajauli Bhagwan more then 20



unknown persons stopped his vehicle and entered into his vehicle and snatched the golden earring of Malti Devi, and Rinku Devi and golden bangle of Nitu Devi and they also assaulted to them. It is also alleged that on that very time one Sunil Chaudhary, son of Kailash Chaudhary was also returning to his house and all the unknown persons abuses them using word harijan and assaulted them which caused injury on his neck. The informant also discloses the name of the all the unknown person in written application of the informant.

Learned counsel for the appellants submits that all the accused persons resides in same area and both persons were returning from marriage ceremony and some altercation took place for the overtake of the vehicle near Bhagwanpur more and due to overtake of the vehicle this false case has been instituted against the all named accused persons including the appellants. There is no specific allegation against the appellants. There is general and omnibus allegation against the appellants.

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

Similarly situated co-accused-Solzar Kumar @ Solzar Yadav and Chandar Yadav @ Chandra Yadav have already been allowed anticipatory bail by a Coordinate Bench of this Court in



Cr.Appeal (SJ) No.3798 of 2019.

Having regard to the facts and circumstances of the case, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

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