

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.703 of 2020

Arising Out of PS. Case No.-548 Year-2019 Thana- BARACHATTI District- Gaya

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GORE YADAV @ SUMIT KUMAR, aged about 29 years (Male), S/O Gupta
Yadav, resident of Village- Karchuan, P.S. Mohanpur, District-Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant : Mr.Ajay Kumar Sinha, Advocate.
For the Respondent : Mrs. Usha Kumari 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Barachatti P.S. Case No. 548 of
2019, registered for the offences under Sections 341, 324, 448,
307, 427, 504, 506/34 of the IPC read with Section 3 (i)(r)(s) of
SC/ST Act.

The prosecution case, in short, is that on 25.10.2019
at about 11.30 P.M. Gore Yadav (appellant) and other co-
accused entered into the house of the informant who was
sleeping on a *Cot* and flinged him down. It is further stated that



the appellant instigated others to kill him by taking his caste name and after this, co-accused Gupta Yadav hit him on his neck with the help of *Pasuli* (a sharp edge weapon) due to which, his neck got severely cut. It is alleged that incident took place to take revenge of the incident when the informant's cattle entered into the field of appellant earlier on 18.10.2019.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. The appellant is the order giver. No allegation of assault is alleged against the appellant. The main allegation of assault is alleged against co-accused Gupta Yadav. The alleged occurrence has not occurred at a public place or in a public view.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 18.01.2020, passed in A.B.P. No. 19/2020 (arising out of Barachatti P.S. Case No. 548/2019) by learned Exclusive Special Judge, SC/ST, Gaya, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event



of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, passed in A.B.P. No. 19/2020, in connection with Barachatti P.S. Case No. 548 of 2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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