

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1376 of 2020**

Arising Out of PS. Case No.-701 Year-2019 Thana- FATUA District- Patna

BITTU KUMAR Son of Gheli Yadav @ Yogendra Pahalwan, Resident of
Village - Nohta, P.S.- Fatuha, Distt.- Patna.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Vijay Anand, Advocate
For the Respondent/s : Mr. Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 06-07-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the parties.

The appellant has challenged impugned order dated
22.2.2020, passed by the Court below in a case filed for offence
punishable under section 307 and other allied sections of the
Indian Penal Code read with section 3 of the SC/ST Act as well
as under the Arms Act.

Prosecution's case in short is that the appellant and
other accused persons tried to create hindrance in the procession
and on objection being made by the informant, they assaulted
him.

It is submitted by learned counsel for the appellant



that the appellant has falsely been implicated in this case. The allegation is general and omnibus and the allegation under the SC/ST Act would not be attracted against him as he was not aware about the caste of the informant. Petitioner's name has come in the case on the confessional statement of a co-accused Rajnish. Similarly situated co-accused Juley @ Ravish Juli has already been allowed bail by a bench of this Court vide order dated 26.11.2019, passed in Cr.App(SJ) No.5153 of 2019. He has no criminal antecedent.

Taking into consideration the facts and circumstances of the case, the impugned order dated 22.2.2020 is set aside and the appeal is allowed.

Let the appellant, above named, in the event of arrest/surrender, 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 Additional Sessions Judge VIII cum Special Judge SCT/ST Act, Patna in Fatuha Police Station Case No. 701/2019, subject to the conditions laid down under section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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