

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1583 of 2020

Arising Out of PS. Case No.-384 Year-2020 Thana- MADHEPURA District- Madhepura

KUNDAN YADAV Son of Laxman Yadav Resident of Village - Bhagwani,
Ward No. -01, P.S. - Ghailarh, District - Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Mishra

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2020 Heard Mr. Pramod Mishra, learned counsel for the

appellant and Mr. Binay Krishna, learned Spl. Public Prosecutor

appearing for the State through video conferencing.

The present appeal is directed against the order dated
16.06.2020 passed by learned Additional District and Sessions
Judge - I, Madhepura in A.B.P. No. 405 of 2020 arising out of
Ghailarh (Madhepura) P.S. Case No. 384 of 2020 registered for
the offence under Section 341 / 342 / 323 / 324 / 307 / 379 /
420 / 504 / 34 of the I.P.C. and Section 3 (1) (r) (s) of the SC /
ST Act whereby the prayer for anticipatory bail of the appellant
has been rejected.

The allegation against the appellant as per the First
Information Report is that the appellant along with other
accused persons assaulted the informant by means of “lathi”.



Learned counsel for the appellant submits that appellant has falsely been implicated in this case due to rivalry relating to PACS election. Learned counsel further submits that from perusal of First Information Report it would be evident that appellant had not called the informant by his caste name but it was the co -accused, who allegedly called the informant by his caste name and also assaulted him by means of knife on his head. Learned counsel referring to Annexure- 2 to this petition which is the injury report of the informant submits that there is no injury by means of hard and blunt substance on the neck of the informant. Learned counsel thus submits that from perusal of First Information Report and the injury report no case, much less any offence under the SC / ST Act is made out against the appellant.

However, learned counsel for the informant vehemently opposes the argument advanced by learned counsel for the appellant and submits that the appellant is also named in the First Information Report and he along with other accused persons assaulted the informant with common intention.

Having heard learned counsel for the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 16.06.2020



passed by learned Additional District and Sessions Judge - I, Madhepura in A.B.P. No. 405 of 2020 arising out of Ghailarh (Madhepura) P.S. Case No. 384 of 2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellant before the court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge - I, Madhepura / court concerned in connection with Ghailarh (Madhepura) P.S. Case No. 384 of 2020 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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