

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1700 of 2020**

Arising Out of PS. Case No.-120 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Rabindra Yadav @ Ravindra Yadav Resident of Village- Nauwapali, P.S.-
Siwan Muffasil, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Prasad, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 14-12-2020 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

Re: I.A.No.1 of 2020

The instant interlocutory application has been filed for
condoning of delay in filing of Cr.Appeal No.1700 of 2020.

It is submitted by the learned counsel for the appellant
that the limitation for filing the appeal against the order dated
19.5.2020 expired on 18.8.2020, however, due to Covid
pandemic the appellant was able to file criminal appeal only on
25.8.2020. In view of the stamp report having been done
subsequently, the date of filing is mentioned as 12.10.2020. He
prays that the delay in filing of the appeal be condoned.

Having heard learned counsel for the parties, the
Court is satisfied that the appellant has made out a case for



condonation of delay in filing of the appeal. The delay is condoned and the interlocutory application is allowed.

The instant appeal has been preferred against the order dated 19.5.2020 passed by the learned 1st Additional District and Sessions Judge-cum- Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Siwan Mufassil P.S. Case No.120 of 2020 registered under sections 307 and other sections of the Indian Penal Code and section 3(1)(r) and section 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, 1989, was rejected.

As per allegation in the F.I.R. the appellant is stated to have abused the informant in the name of his caste and of having stabbed the father of the informant with a knife.

It is submitted by learned counsel for the appellant that the allegation as levelled in the F.I.R. is false and concocted. It is further submitted that two cases was lodged for the same offence one by the police and subsequent by the daughter of the informant. The appellant has been falsely implicated due to village politics. It transpired in course of investigation that the appellant was caught by the villagers and handed over to the police but no knife was recovered from his possession.



The appeal is opposed by learned Spl.P.P. for the State.

Case diary called for in the case has been received.

Having heard learned counsel for the parties and taking into consideration the allegations as levelled against the appellant in the F.I.R., wherein he is stated to have struck the father of the informant with a knife and the allegation of which is supported by the material that has transpired in course of investigation and the injury report, the Court is not inclined to allow the instant appeal and the same is rejected.

However, in view of the facts and circumstances of the case, the appellant may renew his prayer for bail after six months in case there is no progress in the trial.

(Partha Sarthy, J)

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