

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1976 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- FESHAR District- Aurangabad

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UMESH YADAV S/o Bali Yadav Resident of Village- Simra, P.S.- Fesar,
District- Aurangabad.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Advcoate

Mr.Bhaskar Shankar, Advocate

For the Respondent/s : Mr. Usha Kumari No. 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2020 Heard learned Senior Counsel for the appellant and
learned Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 29.08.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, Aurangabad, in connection with Fesar P.S. Case No. 63/2020 registered for the offences punishable under Sections 457/380/504/506 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 30.06.2020 at about 21:00 hours when the informant was sleeping outside the house,



it is alleged that the appellants with other accused persons entered into the house of the informant and committed theft.

It is submitted that the appellant has been falsely implicated in this case due to local politics and no incriminating article has been recovered from the possession of the appellant. No case under SC/ST Act is made out as there is no allegation of abuse. It is further submitted that the occurrence is said to have taken place on 30.06.2020 and FIR was lodged after delay of two days i.e., on 02.07.2020 for which no plausible explanation has been given.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 29.08.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, Aurangabad, in Fesar P.S. Case No. 63/2020 is set aside and appeal is allowed.

Accordingly, let the appellant, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Aurangabad in connection with Fesar P.S. Case



No. 63/2020.

(Prabhat Kumar Singh, J)

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