

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3776 of 2019**

Arising Out of PS. Case No.-212 Year-2018 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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SANTU KUMAR @ SANTU YADAV Son of Awadh Kishore Yadav @
Morepiya Yadav Resident of Village - Azad Bigha, P.S.- Magadh Medical,
District - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Kumar No.2
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-12-2020 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 appellant and learned
APP for the State.

The matter relates to grant of anticipatory bail to the
appellant in connection with a case registered for the offences
under Sections 452, 341, 323, 307, 354, 427, 504, 506/34 of the
Indian Penal Code and Section 27 of the Arms Act and Section
3(i)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the petitioner
along with other accused persons entered into the house of the



informant and assaulted him and his family members. They dragged the daughter of the informant out of the house and slugged her with informant and his wife went to rescue the daughter, accused Sunil Yadav assaulted the wife of informant upon her head by blow of iron rod causing injury and petitioner also slugged them on the name of their caste.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made. The specific allegation of assault is against the co-accused, namely, Sunil Yadav. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

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 30.07.2019, passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Magadh Medical P.S. case No.212 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event



of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Magadh Medical P.S. case No.212 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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