

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1163 of 2021**

Arising Out of PS. Case No.-20 Year-2020 Thana- RAJAOLI District- Nawada

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BABLOO YADAV S/O UMESH YADAV R/O VILLAGE DHAKAHI
MORE, P.S SIRDALA, DISTRICT NAWADA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Durgesh Nandan, Adv.
	:	Mr. Manisha Prakash, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Bhaskar Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-08-2021 Heard Mr. Durgesh Nandan, learned counsel for the appellant and Mr. Bhaskar Shankar, learned counsel for the informant. The State is represented by Mr. Binay Krishna, learned Special Public Prosecutor.

The appellant has challenged the order dated 19.10.2020 passed by the learned Additional Sessions Judge -I-cum-Special Judge, SC/ST, Nawada in A.B.P. No. 315 of 2020 arising out of Rajauli P.S. Case No. 20 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences under Sections 341, 323, 504, 379, 354B/34 of the Indian Penal Code, Section 27 of the Arms Act and under Section 3(1)(r)(s) of



SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is that while the informant along with her husband and brother-in-law were irrigating the field at about 11 'O' clock in the night, the appellant and others came and started abusing the family members. They were perhaps enraged by the fact that a complaint was made by the husband of the informant regarding the appellant indulging in brewing of liquor.

It has been urged on behalf of the appellant that the accusation of assault is attributed to co-accused Ranjeet Yadav and so far as the accusation of taking away the personal belongings of the informant is concerned, the same is attributed to Mohan Yadav. Apart from the appellant having been named in the F.I.R. as part of the mob, there is no other specific accusation against him. It has further been submitted that the story narrated in the F.I.R. does not appear to be trustworthy in as much as the informant and others have claimed that they were irrigating the field at about 11'O' clock in the night which does not appear to be



believable. Apart from this, it has been submitted that there has been a delay of three days in lodging the First Information Report. For an occurrence which took place on 14.01.2020, the report has been lodged on 16.01.2020

Regard being had to the afore-stated facts, it has been urged that the offence under the SC/ST (POA) Act cannot be said to have been made out against the appellant in particular for the reason that he is not said to have even abused the informant or other members of the prosecution party and that the occurrence took place in the dead of the night in the field of the informant where nobody was present.

For the reasons afore-stated, order dated 19.10.2020 passed by the learned Additional Sessions Judge -I-cum-Special Judge, SC/ST, Nawada so far as the appellant is concerned, is set aside.

The appeal stands allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date



of receipt /production of a copy of this order on his
furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten
Thousand) with two sureties of like amount each to the
satisfaction of learned Additional Sessions Judge -I-cum-
Special Judge, SC/ST, Nawada in connection with Rajauli
P.S. Case No. 20 of 2020.

(Ashutosh Kumar, J)

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