

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1448 of 2021**

Arising Out of PS. Case No.-179 Year-2020 Thana- CHAUTHAM District- Khagaria

Fantoosh Yadav @ Awadhesh Yadav, aged about 25 years, Male, Son of
Chatri Yadav, Resident of Village- Farreh, P.S.- Chautham, District- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra, Advocate
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 05-03-2021 Learned counsel for the appellant is permitted to
remove the defects within four weeks.

Heard learned counsel for the appellant and learned
A.P.P. for the State.

The appeal is against the order dated 02.01.2021
passed by learned Additional Sessions Judge, 1st-cum-Special
Judge (SC/ST Act), Khagaria in connection with Chautham P.S.
Case No.179 of 2020 for the offences punishable under Sections
341, 323, 504, 506, 34 of the Indian Penal Code and Sections 3
(1)(r)(s), 3(2)Va of SC/ST (Prevention of Atrocities) Act, has
been rejected.

Allegation in the F.I.R. is that on 03.07.2020, accused
took away road construction material of Om Sai Company, said
company engaged in construction of road in between Farreh to



Bakiya Tofir Garhia, Place of the occurrence is Farreh Chowk, stone chips and sand was taken away from Sarkar Bhawan at Ferrah by tractor by the accused persons, thereafter, Munsii of Om Sai Company namely Sanjay Singh asked Sintu Yadav that why he took away stone chips and sand then accused abused him then Munsii informed to the informant and others thereafter informant and others went to persuade accused that why they committed such act, on this accused were calling caste name, Sintu Yadav and others assaulted on head of informant by danda and others accused were also helps Sintu Yadav, in the result, he received injury.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He further submits that there is general and omnibus allegation against the appellant. From perusal of the F.I.R., it will be find that the Munsii of the Om Sai Company is Sanjay Singh, the said Munsii nor the Manager of the Om Sai Company, nor owner of the company lodged present F.I.R. The doctor opined that the injury is simple in nature (Annexure-2 of the bail petition). Appellant is in jail custody since 09.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail.



In the facts and circumstances of the case, let the above named appellant be released on bail **after framing of charge**, on furnishing bail bond of Rs.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge (SC/ST Act), Khagaria in connection with Chautham P.S. Case No.179 of 2020.

Accordingly, the order dated 02.01.2021 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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