

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1037 of 2020

Arising Out of PS. Case No.-679 Year-2018 Thana- BODHGAYA District- Gaya

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MUKESH KUMAR @ MUKESH KUMAR YADAV Son of Nand Kishor
Yadav Resident of Mohalla - Saksena Road, P.S.- BodhGaya, District- Gaya
... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anand Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2021 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 341, 323, 354, 379, 504, 5064 of the Indian Penal Code and Sections 3(i)(r)(s)(g) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellant abused the informant by taking her caste name and they also assaulted the family members of the informant and snatched their ornaments.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the



present case. The alleged occurrence is said to have taken place due to petty reason. It is a case and counter case between the parties. 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 08.01.2020, passed by the learned Exclusive Special Judge, SC/ST, Gaya vide A.B.P. No.03 of 2020 in connection with Bodh Gaya P.S. case No.679 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 six 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, Gaya in connection with Bodh Gaya P.S. case No.679 of 2018.

Narendra/-

(Sudhir Singh, J)

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