

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1214 of 2020**

Arising Out of PS. Case No.-25 Year-2012 Thana- SC/ST District- Lakhisarai

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ARUN KUMAR @ ARUN YADAV, Gender-Male, aged about 45 years, S/o Late Dhanik Prasad, R/o village- Shyampur, Ward No. 7, P.S.- Kotwali, District- Munger.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant : Mr.Ashutosh Kumar Verma, Advocate.
For the Respondent : Mrs.Usha Kumari 1, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 22-02-2021 Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with SC/ST Thana Lakhisarai P.S. Case No. 25/2012, registered for the offences under Sections 341, 323, 504 of the I.P.C. and 3(1)(x) of SC/ST Act.

The prosecution case, in short, is that on 17.03.2012, the informant was standing in front of his house and at the same time, the appellant came there and said that the road will be built here. The informant said that on this land, a case under Section 145 Cr. P.C. is going on in the court of S.D.O. and the



C.O. has also ordered that the casting of the road will be done after measuring. Arun Yadav (appellant) abused and slapped the informant by saying his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case with ulterior motive. There is no allegation of tampering with the witnesses alleged against him. No deadly weapon is said to have been used in course of occurrence. The alleged occurrence has not taken place in public view. Hence, no offence under 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 15.12.2020, passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Lakhisarai, in connection with SC/ST Thana Lakhisarai P.S. Case No. 25/2012, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest or 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/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-Ist-cum-Special Judge, Lakhisarai, in connection with SC/ST Thana Lakhisarai P.S. Case No. 25/2012.

(Sudhir Singh, J)

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