

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1687 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- DULHIN BAZAR District- Patna

RAM BALAK YADAV Son of Ramanand Yadav @ Ramnandan Yadav
Resident of Village - Sadawah, P.S.- Dulhin Bazar, District - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satrudhan Kumar, Adv.

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 12.06.2020 passed by learned Additional Sessions Judge-VIII-cum-Special Judge, SC/ST and MP/MLAs, Patna in connection with Spl. Case No. 165 of 2020 arising out of Dulhin Bazar P.S. Case No. 76 of 2020 registered under Sections 147, 188, 269, 270, 341, 323, 342, 354, 379, 353, 504, 506 of the Indian Penal Code, Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3 of the Bihar Medical Service



Profession and Persons Protection Act.

Prosecution case is that on 27.03.2020, the husband of Mukhiya Sita namely Sunil Sharma just after arrival in the chamber asked them about the medicine. Both of them (informant and her companion) gave him in detail about the medicine. But Sunil Sharma misbehaved, abused and attempted to close the chamber. On their protest, Sunil Sharma became anguished and attacked on them with intention to cause their murder. After interval, Dr. Kamran and other staff arrived and they informed about the alleged occurrence to in-charge PHC Dulhin Bazar. The in-charge PHC and Account Manager convinced him not to assemble to save from Covid-19. Upon this, Ram Balak Yadav (appellant) along with other accused persons assaulted Amresh Kumar, X-ray technician and snatched his mobile.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is no specific allegation upon the appellant rather specific allegation is upon husband of Mukhiya namely Sunil Sharma. He submits that one of the informant namely Amresh Kumar (X-ray Technician) had written SDPO on 22.05.2020 to the effect that the appellant is totally innocent



and was not involved in the commission of offence. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII-cum-Special Judge, SC/ST & MP/MLAs, Patna in connection with Spl Case No. 165 of 2020 arising out of Dulhin Bazar P.S. Case No. 76 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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