

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1743 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- SALAKHUA District- Saharsa

Ramesh Kumar Yadav @ Ramesh Yadav, Male, aged about 51 years, Son of Late Yugeshwar Yadav, Resident of Village - Goriyari, P.S.- Salkhua, Dist.- Saharsa

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha, Advocate

For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-02-2021 Heard learned counsel for the appellant and learned A.P.P. for the State.

The appeal is against the order dated 09.07.2020 passed by learned Additional Sessions Judge, 3rd cum-Special Judge, Saharsa in A.B.P. No.225 of 2020, whereby the Anticipatory Bail Petition of the appellant in connection with Salkhua P.S. Case No.82 of 2020 for the offences punishable under Sections 341, 323, 324, 307, 379, 427, 354, 504, 506, 34, and later on Section 302 of the Indian Penal Code and Sections 3 (i)(r)(S), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case is that one Rajendra Sharma lodged a written report addressed to S.H.O., Salkhua on



24.03.2020, the mobile phone of nephew of informant namely Rakesh Kuamr has been stolen from the shop and immediately recovered from the villager Sumit Kumar and after some hot exchanged the matter was pacified. He further stated that Sumit Kumar is associates with Yadav community and he along with his associates used to sit in Gram Kachahari building near the government school. On 23.03.2020 at about 8.00 A.M. Ashish Kumar, Nitish Kumar, Dinesh Yadav and Hari Yadav and 25-30 unknown persons came with weapons at his house and destroyed his roofs and looted articles from his shop and started assault with him and his cattle and when he forbade then all the accused persons forcibly assaulted and abused him. He further alleged that one co-accused Ashish Kumar assaulted his son namely Vinod Sharma by means of butt of Rifle on his head therefore his head become injured and also assaulted on neck and pull down him on earth. He further alleged that the accused persons surrounded his neighbor namely Birbal Sharma and Jallar Sharma and they assaulted them by means of butt of Rifle and three nut and broke the hand of Jallar Sharma and brutally assaulted Bilbal Sharma. The accused pesons also assaulted his neighbor namely Santosh Sharma and his mother Sheela Devi as well as molested the ladies which were in the house of the



informant. The accused persons also assaulted Bipin Sharma and fractured his color bone. The injured persons brought at PHC Salkhua where Binod Sharma, Jallar Sharma and Birbal Sharma referred Saharsa Sadar Hospital for better treatment. After that Birbal Sharma referred to Darbhanga Sadar Hospital.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that no offence is made out against the appellant. During the course of investigation, the Dy. S.P. added the name of the appellant in this case first time without any cogent evidence. He further submits that the appellant is not named in the F.I.R.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today 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 3rd Additional Sessions Judge-cum-Special Judge, Saharsa in connection with Salkhua P.S. Case No.82 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 09.07.2020 is set aside



and appeal is allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

