

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1811 of 2020**

Arising Out of PS. Case No.-64 Year-2019 Thana- CHANAN District- Lakhisarai

BABLU YADAV Son of Nago Yadav Resident of Village-Gopalpur,
Hanuman Gadhi, Police Station- Chanan, District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rabi Bhushan

For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 18-01-2021 Heard the learned counsel for the appellant and the
learned Spl. P.P. for the State.

This is an appeal under Section 14A (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015 against the order dated 09.07.2020 passed by the learned 1st Additional District and Sessions Judge cum Special Judge, Lakhisarai in Anticipatory Bail Petition No. 388 of 2020 arising out of Chanan P.S. Case No. 64 of 2019 for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 353, 332, 333, 504, 506 of the Indian Penal Code and Sections 3(1) (r) (s)/ 3(2) Va SC/ST Act whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused. .

The allegation is regarding the police having seized two tractors, whereupon the accused persons, about 13 in



numbers, including the appellant herein, had tried to free the said tractors from the custody of the police and during the course thereof, the appellant is alleged to have assaulted the police personnel including one Bishnukant Sharma.

The learned counsel for the appellant submits that the appellant is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled and as far as the injury sustained by the injured person is concerned, the same is not grievous in nature, hence the appellant be granted the privilege of anticipatory bail, subject to such conditions as may be deemed fit and proper to be imposed by the learned court below.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that there is no allegation against the appellant of having taken any caste name for the purposes of abusing the injured person namely Bishnukant Sharma, as also considering the fact that a mob is stated to have assembled at the alleged place of occurrence for



the purposes of getting the tractor released forcibly from the custody of the police, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, in the event of arrest or surrender within a period of four weeks from today before the learned court below, the appellant above named shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge cum Special Judge, Lakhisarai in connection with Chanan P.S. Case No. 64 of 2019, subject to the condition as laid down under section 438(2) Cr. P.C.

Consequently, the impugned order dated 09.07.2020 passed in A.B.P. No. 388 of 2020 arising out of Chanan P.S. Case No. 64 of 2019 by the learned 1st Additional District and Sessions Judge cum Special Judge, Lakhisarai is set aside.

It is further directed that the appellant would mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure on two consecutive occasions to mark his attendance, the present privilege of anticipatory bail shall stand



revoked automatically and the appellant shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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