

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2035 of 2020

Arising Out of PS. Case No.-189 Year-2018 Thana- LODIPUR District- Bhagalpur

ROHIT YADAV Son of Ramdas Yadav Resident of Village - Maharema, P.S.-
Dharahra, District - Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 07.07.2020 passed by learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Lodipur P.S. Case No. 189 of 2018 under Sections 341, 323, 449, 307, 504 and 34 of the Indian Penal Code and sections 3(i)(r)/3(i)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that on 08.11.2018 at 4.00 pm, while the informant was returning to her house, she was



abused by co-accused Budhani Devi by her caste name and on protest, all the accused persons, entered into her house and assaulted her and when her children came to rescue her, the accused persons including this appellant assaulted them with sickle causing head injury to them.

It is submitted on behalf of appellant that appellant has been falsely implicated in this case, as he is son-in-law of co-appellant Vinod Mandal. There is no specific allegation against this appellant. Dispute arose between the parties due to use of lane/pathway. Injuries have been found to be simple in nature. No case under SC/ST Act is made out. Appellant has got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 07.07.2020 passed by learned Additional District and Sessions Judge III-cum-Special Judge (SC/ST Act), Bhagalpur, is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and



Sessions Judge III-cum-Special Judge (SC/ST Act), Bhagalpur,
in connection with Lodipur P.S. Case No. 189 of 2018, subject
to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

vinita/-

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