

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3410 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- MUNGER MUFFASIL District- Munger

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AMARKANT @ AMARKANT YADAV S/o CHANDRA KISHORE YADAV
R/o VILLAGE-MAHULI, P.S-MUFFASIL, DISTRICT-MUNGER.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Kumar No2

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-09-2021 Heard Mr. Manish Kumar No. 2, learned counsel

for the appellant and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated

02.07.2021 passed by the learned 1st Additional Sessions

Judge -cum-Special Judge, Munger in A.B.A. No. 634 of

2021 arising out of in Muffasil P.S. Case No. 147 of 2021,

whereby the prayer made on behalf of the appellant for

grant of anticipatory bail for the offences under Sections

147, 341, 323, 353, 504, 333 and 332 of the Indian Penal

Code and Section 3(i)(2)/3(2)(v)(a) of SC/ST (POA) Act has

been rejected.



The accusation in the First Information Report by the informant who is the Officer-In-Charge of the concerned police station is that when the police party tried to stop a motorcyclist , three to four persons arrived at the scene and misbehaved with the police party. By that time, many persons had assembled at the place of occurrence.

Hence, the F.I.R.

The learned counsel for the appellant has submitted that another case vide Muffasil P.S. Case No. 148 of 2021 was lodged by one of the Police Officers on the basis of a video clip which had become viral. In the aforesaid case, member of one of the police party is said to be harassing one person on the charge of his being in a drunken state which fact was ultimately found to be false. Apart from this, it has been submitted that the accusation under the SC/ST (Prevention of Atrocities), Act is absolutely vague and does not appear to be tenable.

Considering the afore-noted arguments, the order dated 02.07.2021 passed by the learned 1st Additional Sessions Judge -cum-Special Judge, Munger, is set aside.



The appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, Munger, in connection with Muffasil P.S. Case No. 147 of 2021.

(Ashutosh Kumar, J)

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