

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3451 of 2021**

Arising Out of PS. Case No.-214 Year-2016 Thana- BAKHTIYARPUR District- Patna

NITESH YADAV @ NETAJEE @ NITISH YADAV @ NETAJI S/o Rahindra
Rai, R/o Village-Chirayan Diyara, P.S.- Bakhtiyarpur, District- Patna

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Bijay Bhushan, Advocate. Mr.Usha Kumari Singh, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-09-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Ms. Usha Kumari 1, learned Spl. P.P. for the State.

Appellant in the present case is seeking setting aside of the judgment dated 24-7-2021 passed by learned Additional District & Sessions Judge-III-cum- Special Judge SC/ST Act, Patna in connection with Special Case No. 583 of 2018 arising out of Bakhtiyarpur P.S. Case No. 214 of 2016 registered for the offences punishable under Sections 341, 323, 354, 354(A), 504/379 IPC and under Section 3(1-X) SC/ST Atrocities Act whereby and whereunder the prayer for bail of the appellant was

rejected.

Learned counsel for the appellant submits that from the allegations in the First Information Report itself it would appear that allegedly this appellant had been trying to awake the bhabhi of the informant for purpose of asking her to take her meal. There is no allegation that the appellant had caught or done any such act or omission which may be said to be indecent.

It is submitted that this appellant is a volunteer and was involved in the distribution of foods and on some scuffle in the camp of the flood affected people, this false case has been lodged. The appellant is in custody since 12.6.2021.

Learned Spl. P.P. for the State has though opposed the prayer for bail of the appellant but considering the facts and circumstances of the case, the kind of allegation in the FIR that the investigation in the matter is over, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing bail bond of Rs. 25000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III- cum- Special Judge, SC/ST, Patna in connection with Bakhtiyarpur P.S. Case No. 214 of 2016 subject to the conditions as laid down under Section 437(3) Cr.P.C.

And condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.