

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3516 of 2021

Arising Out of PS. Case No.-117 Year-2016 Thana- MIRGANJ District- Gopalganj

ARVIND KUMAR YADAV @ ARVIND YADAV Son of Sri Birendra Prasad
Yadav Resident of Village - Harnwan Hakim Tola, P.S. - Mirganj, District -
Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhramveer, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellant is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

The appellant has challenged the order dated
02.07.2021 passed by learned Additional District & Sessions
Judge 1st-cum-Special Judge, SC/ST Act, Gopalganj in
connection with Mirganj P.S. case No.117 of 2016 registered for
the offences under Sections 147, 341, 323, 354, 436, 504, 506,
427 of the Indian Penal Code and Sections 3(x) of the SC/ST
(Prevention of Atrocities) Act, 1989, whereby the prayer made
on behalf of the appellant for grant of anticipatory bail has been



rejected.

The prosecution case, in short, is that the accused persons including the appellant lit fire the hut of the informant and also abused the informant by taking her caste name and the appellant gave lathi blow on Vinay Kumar and injured him.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. It is a case and counter case between the parties. The injuries on the appellant side have not been explained by the prosecution. The nature of injury is said to be simple. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 02.07.2021, passed by the learned Additional District & Sessions Judge 1st-cum-Special Judge, SC/ST Act, Gopalganj vide A.B.P. NO.677 of 2021 in connection with Mirganj P.S. case No.117 of 2016, is set aside.



Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st-cum-Special Judge, SC/ST Act, Gopalganj in connection with Mirganj P.S. case No.117 of 2016.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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

