

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.113 of 2021**

Arising Out of PS. Case No.-110 Year-2017 Thana- DHANAHA District- West Champaran

NITISH YADAV S/O BACHCHU YADAV RESIDENT OF VILLAGE
GHEWRAHI TOLA, BHEDIHARI, P.S. DHANAHA, DISTRICT WEST
CHAMPARAN

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rudal Prasad
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 27-10-2021 Heard learned counsel for the appellants and learned Spl.
P.P. for the State.

This appeal is directed against the order dated 22.02.2020 passed by learned 1st Additional District & Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in ABP No. 63 of 2020, arising out of Dhanha P.S. Case No. 110 of 2017 and Tr No. 14 of 2019 for the offence registered under Sections 323, 342, 354, 504 and 506/34 the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and all sections of the Indian Penal Code except section 354 of the Indian Penal Code are bailable in nature. It is further submitted that the appellant has no



criminal antecedent.

On the other hand, learned counsel for the State submits that the final form has been submitted and cognizance has been taken under Section 342, 323, 354, 504, 506/34 of the Indian Penal Code and under Section 3(i)(r) of SC/ST (Prevention of Atrocities) Act.

Considering the aforesaid facts and circumstances of the case, there is no illegality in the order impugned and as such, this court is not inclined to enlarge the appellant on anticipatory bail and, hence, the prayer for anticipatory bail of the appellant is rejected.

However, the appellant is directed to surrender before the court below and file an application for regular bail, on which, the court below shall pass necessary orders in accordance with law without being prejudiced by the present order.

Accordingly, this appeal is dismissed and order dated 22.02.2020 passed in ABP No. 63 of 2020 is hereby affirmed.

(Sunil Kumar Panwar, J)

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