

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.307 of 2021

Arising Out of PS. Case No.-135 Year-2019 Thana- NAUTAN District- West Champaran

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Shivam Kumar @ Shivam Kumar Verma, S/o Pramod Prasad Verma @
Pramod Prasad Shrivastav, Resident of Village- Khadda, Kujlahi, P.S.-
Nautan, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-06-2021 Heard Mr. Sanjeev Kumar, the learned Advocate

for the appellant and Ms. Usha Kumari-1, the learned

Special Public Prosecutor for the State.

The appellant has challenged the order dated
09.10.2020 passed by the learned 1st Addl. District &
Sessions Judge-Cum-Special Judge (SC/ST), Bettiah, West
Champaran in connection with Nautan P.S. Case No. 135 of
2019, instituted for the offences under Sections 341, 323,



379, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(f) and 3(2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The appellant and others are said to have taken the informant in a mango orchard and assaulted him. The informant was also divested of the money which he had kept in his pocket.

It has been submitted on behalf of the appellant that because of some dispute between the parties with respect to plucking of mangoes, an occurrence took place which has wrongly been reported in the subject F.I.R. It has further been submitted that the appeals of some of the other accused persons of this case have been allowed and they have been directed to be released on bail. Apart from this, it has been submitted that there has been a delay of seven days in lodging of the F.I.R. and at the relevant time, the appellant was residing in *Qatar*.

Regard being had to the aforesaid submissions, the order dated 09.10.2020, referred to above, is set-aside.



The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge-Cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Nautan P.S. Case No. 135 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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