

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.94 of 2021

Arising Out of PS. Case No.-60 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

Birendra Kumar @ Lalu Yadav (Male) aged about 26 years, Son of Uttam Yadav @ Uttam Kumar, Resident of Village-Babupur, Police Station Sabour, District - Bhagalpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Md. Najmul Hodda, Advocate
For the Respondent : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2021 Heard learned counsel appearing on behalf of the appellant and learned counsel appearing on behalf of the respondent.

Appellant is aggrieved by the order dated 09.10.2020 passed by Additional District & Sessions Judge-III-cum-Special Judge (ST/ST), Bhagalpur in Industrial P.S. Case No. 60 of 2019 registered for the offence under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer of the appellant for grant of bail has been rejected.

Learned counsel appearing on behalf of the appellant would submit that the appellant is in custody since 31.08.2020.



The allegation against the appellant is that he has abused the informant by calling his caste name and assaulted him with lathi and brick.

Learned counsel appearing on behalf of the appellant would submit that the parties have entered into compromise and refer the compromise petition (Annexure-2) although the offence is non-compoundable but for the purpose of grant of bail, Annexure-2 is relevant.

Considering the totality of the facts and circumstances of the case, the Court is inclined to allow the criminal appeal. The order dated 09.10.2020 passed by Additional District & Sessions Judge-III-cum-Special Judge (ST/ST), Bhagalpur in Industrial P.S. Case No. 60 of 2019 is set aside. Let the appellant, named above, be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-III-cum-Special Judge (ST/ST), Bhagalpur in connection with Industrial P.S. Case No. 60 of 2019.

Accordingly, the criminal appeal is allowed.

(Anil Kumar Upadhyay, J)

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