

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.444 of 2021**

Arising Out of PS. Case No.-346 Year-2020 Thana- RAJAOLI District- Nawada

Sanjeet Yadav, aged about 32 years (Male), S/O Late Laldev Prasad Yadav @
Naresh Yadav, Resident Of Village Murkatta Ps Hisua District Nawada.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant : Mr. Sheo Kumar Prasad, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The matter relates to grant of anticipatory bail to the
appellant in A.B.P. No. 1006/2020, Special Case No. 161/2020
in connection with Rajauli P.S. Case No. 346/2020, registered
for the offences under Sections 147, 341, 342, 376/511, 427,
323, 448 of the I.P.C. 27 of the Arms Act and 3(i)(r)(s) (w) of
the SC/ST Act.

The prosecution case, in short, is that on 28.07.2020,
the informant and her family members were sleeping in the
night. In the meantime, Vikash Kumar, Ruplal Prasad Yadav,



Sangeeta Devi, Bedmiya Devi, Ranjeet Yadav, Aashish Yadav, Jitendra Kumar and Sanjeet Yadav (appellant) came there and by saying Harijan asked to open the door. Dinesh Kumar and Dharmraj Chaudhary abused and entered into the house. Vikash Kumar fired. All accused persons assaulted by means of of fists and slaps. They also tried to commit rape.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. The alleged occurrence has not taken place in public view. Hence, no offence under 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.

In view of the aforesaid facts and circumstances, the order dated 06.10.2020, passed in A.B.P. No. 1006 of 2020, Special Case No. 161/2020, in connection with Rajauli P.S. Case No. 346/2020 by learned A.D.J.-Ist-cum-Special Judge, Nawada, is set aside. The criminal appeal is allowed.



Accordingly, the appellant above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned A.D.J. Ist-cum-Special Judge, Nawada, in connection with Rajauli P.S. Case No. 346/2020.

(Sudhir Singh, J)

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