

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.740 of 2021

Arising Out of PS. Case No.-29 Year-2017 Thana- MEHANDIA District- Jehanabad

CHHOTU KUMAR @ BHUPENDRA KUMAR Son of Lakhon Yadav
Resident of Village- Rampur Koni, P.S.- Mehandia, Distt- Arwal

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar
For the Respondent/s : Mr. Special P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Heard Mr. Umesh Kumar, learned counsel for the

appellant and the learned Special P.P. for the State

The appellant has challenged the order dated 19.03.2020 passed by the learned Additional Sessions Judge -I, Jehanabad, in A.B.P. No. 222 of 2020 arising out of in Mehandia P.S. Case No. 29/2017, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences under Sections 341, 323, 504 and 34 of the Indian Penal Code and under Section 3(1)(r) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is of assaulting the informant and others on account of a dispute



between a shopkeeper and a customer. So far as the appellant is concerned, he is neither alleged to have assaulted nor abused the informant or anyone of the members of the prosecution party. He has been made accused in this case only because of his being the brother of the main accused and nothing else. The appellant is a military man. Because of the paucity of evidence against the appellant, the police did not send him up for facing trial. However, differing with the police report, learned Special Judge has taken cognizance against the appellant as well.

For the reasons afore-stated, the order dated 19.03.2020 passed by the learned Additional Sessions Judge -I, Jehanabad is set aside.

The appeal stands allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the



satisfaction of learned Additional Sessions Judge -I,
Jehanabad in connection with Mehandia P.S. Case No.
29/2017.

(Ashutosh Kumar, J)

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