

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.861 of 2021**

Arising Out of PS. Case No.-615 Year-2019 Thana- NATHNAGAR District- Bhagalpur

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PRADEEP YADAV Son of Uttam Yadav Resident of Village-Shahjadpur,
P.S.-Nathnagar (Madhusudanpur), District-Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bachan Jee Ojha
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellant and the State
through virtual mode.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the
appellant in connection with Nathnagar (Madhusudanpur) P.S.
Case No. 615 of 2019 registered for the offences under Sections
341, 323, 385, 504, 506, 34 of the Indian Penal Code and
Sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, while the husband of the informant was
doing drain work, the appellant along with five unknown
persons came there and prevented the informant's husband from
doing drain work. When the informant's husband protested, the



appellant taking his caste name, demanded five lakhs ransom amount else threatened to shot fire.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case due to previous enmity. No grievous injury is said to have been caused in course of occurrence. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 27-10-2020 passed by learned Additional District & Sessions Judge-III-cum- Special Judge, SC/ST Act, Bhagalpur in Nathnagar (Madhusudanpur) P.S. Case No. 615 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Let the appellant, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional



District & Sessions Judge-III-cum- Special Judge, SC/ST Act,
Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S.
Case No. 615 of 2019.

Once the normalcy is restored, the appellant shall
furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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