

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.890 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

ANAND LAL YADAV @ AANAND LAL YADAV Son of Late Panchu
Yadav Resident of Village- Sanichara, Tasman Patti, O.P. Tilkesar, P.S.-
Kusheshwar Asthan, Distt- Darbhanga.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Navnit Kumar, Advocate
For the Respondent/s	:	Mr.A.G.
For the Informant	:	Mr. Binod Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 19-03-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 14.9.2020 passed by the learned 1st Additional Sessions Judge -cum- Special Judge, (POA Act) Darbhanga in SC/ST G.R. No. 96 of 2020, in connection with Kusheshwar Asthan P.S. Case No. 147 of 2020 instituted for the offence under Sections 363, 365/34 of the Indian Penal Code, and Section 3(i)(r)(s) of the SC/ST (P.O.A) Act, and also for setting aside the aforesaid order dated 14.9.2020.

The allegation is that three named accused have entered in the house of the informant with deadly weapons and abused him by



caste name and taken away his vehicle. The informant thereafter has gone to the house of the named co-accused persons, where the instant appellant is alleged to have abused him by caste name.

It is submitted by learned Counsel for the appellant that implication of the appellant is super addition with only intention to harass entire family of the accused persons on extraneous consideration. The appellant has no criminal antecedent and there is no allegation that he had entered the house or taken away the vehicle like other co-accused persons. He is in custody since 30.5.2020.

Learned Counsel for the informant and the learned Special P.P. have opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge (POA Act), Darbhanga in SC/ST G.R. No. 96 of 2020, in connection with Kusheshwar Asthan P.S. Case No. 147 of 2020.

In the result, the appeal is allowed and the impugned order dated 14.9.2020 is set aside.

(Madhuresh Prasad, J)

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