

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4872 of 2019

Arising Out of PS. Case No.-307 Year-2019 Thana- BAHADURPUR District- Darbhanga

LAL YADAV Son of Ram Briksh Yadav Resident of Village - Ramdeo
Chandi, P.S.- Bahadurpur, District- Darbhanga

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Choudhary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-01-2021 Learned counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with Bahadurpur P.S. Case No. 307 of 2019 registered for the offences under Sections 341, 323, 324, 307, 353/34 of the Indian Penal Code and Sections 3(1)(r) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

Allegedly, while the informant (Chowkidar), Laxmi Paswan was going to serve notice and in the way, the accused persons surrounded him and started abusing taking his caste name. It is also alleged that the accused persons assaulted him



as a result of which, he sustained injuries.

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. The allegation, made in the FIR is denied by the appellant. The nature of injury is said to be simple. 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 07-08-2019 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Darbhanga in Bahadurpur P.S. Case No. 307 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-



cum-Special Judge, SC/ST Act, Darbhanga in connection with
Bahadurpur P.S. Case No. 307 of 2019.

(Sudhir Singh, J)

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