

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.837 of 2022

Arising Out of PS. Case No.-449 Year-2021 Thana- SUGAULI District- East Champaran

OSIYAR YADAV SON OF LATE VISHWANATH YADAV R/O VILLAGE-
GUDRA, P.S.- MAJHAULIYA, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BHIKHARI PASWAN SON OF MAHADEO PASWAN R/O VILLAGE-
BELITH, P.S.- SUGAULI, DISTRICT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhurendra Kumar,Adv.

For the Respondent/s : Mrs.Usha Kumari 1,Spl.P.P.

Mr.Umesh Chandra Verma,Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 09-11-2022 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated
19.01.2022 passed by learned A.D.J.-3rd-cum-Special Judge,
SC/ST, East Champaran, Motihari in Sugauli P.S. Case No. 449
of 2021 registered for the offence punishable under Sections
341, 342, 323, 379, 406, 420, 504, 506 of the Indian Penal Code
and Section 3(1)(r)(s) of the Scheduled Castes and the
Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby
the prayer for anticipatory bail of appellant was rejected.

As per F.I.R., this appellant alongwith two unknown
persons caught the collar of informant and thereafter, threatened



and abused him by caste name and on protest made by the informant, other two unknown persons assaulted him and this appellant took out Rupees Nine hundred from the pocket of informant.

Learned counsel for the appellant submits that appellant has been falsely implicated in this case due to dirty village politics. F.I.R. has been lodged after three days of the alleged occurrence without there being any plausible explanation. There is no allegation of assault against this appellant. The allegation of abuse by caste name is very vague and added in the F.I.R. only with a view to make the offence grave. The appellant has got clean antecedent.

However, learned Special P.P. as well as learned counsel for the informant/respondent no. 2 vehemently opposed the appeal.

Considering the aforesaid facts and circumstances as well as nature of allegation and clean antecedent, the impugned order dated 19.01.2022 is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. - 3rd-cum-Special Judge, SC/ST, East Champaran, Motihari in connection with Sugauli P.S. Case No. 449 of 2021.

(Prabhat Kumar Singh, J)

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