

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3453 of 2021

Arising Out of PS. Case No.-103 Year-2018 Thana- CHANDI District- Bhojpur

SONU YADAV S/o- NANHAK YADAV Resident of Village- Jokta, P.S.-
Chandi, District- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rama Kant Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

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.

Heard learned counsel for the appellant and the State
through virtual mode.

Earlier the appellant had preferred Cr. Appeal (SJ)
No. 1004 of 2020 for grant of anticipatory bail, which was
dismissed as withdrawn by order dated 23-03-2021 passed by
this bench.

The appellant has again preferred this appeal



challenging the order dated 08-06-2021 passed by learned Ist Additional District & Sessions Judge, Bhojpur at Ara in connection with Chandi P.S. Case No. 103 of 2018 registered for the offences under Sections-341, 323, 307, 504/34 of the Indian Penal Code and Sections-3(1)(r)(s)(t)/3(2)(Va) of SC & ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

Prosecution allegation in short is that on 22-08-2018, the informant was going along with Chhote Lal Nat on Pick up Magic to village Jamuaon at the house of Amarjeet Nat. Chhote Lal Nat does the business of cattle. In the night at about 1.00 a.m. when they were returning, 3-4 persons stopped their vehicle. Shouting cattle rustler, they blew lathi on the wind screen of the pick up Van. Chhote Lal escaped from there. Those unknown persons assaulted him and tied their hands and legs. Hearing the voice of villagers, they escaped from there.

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 been made accused in the present case due to mistake of fact. The appellant is not named in the FIR. His



name has come in course of investigation. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. 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 not named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present Cr. Appeal(SJ) has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 08-06-2021 passed by learned Ist Additional District & Sessions Judge, Bhojpur at Ara in connection with Chandi P.S. Case No. 103 of 2018 by which the anticipatory bail of the appellant was rejected.

Accordingly, the order dated 08-06-2021 passed by learned Ist Additional District & Sessions Judge, Bhojpur at Ara



in connection with Chandi P.S. Case No. 103 of 2018 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 Ist Additional District & Sessions Judge, Bhojpur at Ara in connection with Chandi P.S. Case No. 103 of 2018.

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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