

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.50 of 2021

Arising Out of PS. Case No.-148 Year-2019 Thana- KAUWAKOL District- Nawada

GUDDU YADAV S/o Bishundeo Yadav @ Machchar Yadav Resident of
Village-Sikandara, P.S.-Sikandara, District-Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Yadav son of Kesho Yadav R/O Vill and P.O.- Sikandara, P.S. -
Sikandara, District- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. P.K. Sahi, Sr. Advocate

Mr. Vipin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-04-2022 Heard Mr. P.K. Sahi, learned senior counsel assisted by Mr. Vipin Kumar for the appellant and learned Special Public Prosecutor for the State. In spite of valid service of notice, there is no representation on behalf of respondent no.2.

Learned counsel for the appellant undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.09.2020 passed by learned 1st Additional Sessions Judge, Nawada in connection with Kauwakole P.S. Case No. 148/2019 registered under Sections 302, 201 & 120B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the appellant in association of other co-accused is said to have kidnapped the brother of the informant.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive at the instance of the then S.H.O. of Sikandara Police Station. As a matter of fact, the appellant is involved in local politics and presently his wife is elected member of Zila Parishad, Jamui. The appellant raised voice against the then S.H.O., Sikandara for his involvement in illegal wine. Due to this reason, the appellant has been falsely implicated in this case on altogether concocted story. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is delay of four days in sending the F.I.R. to the



Court without assigning any cogent and plausible reason for the said delay, which creates serious doubt about the prosecution case. There is no eye witness to support the prosecution case. Till date, charge sheet has not been submitted against the appellant.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Nawada in connection with Kauwakole P.S. Case No.148/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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