

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3667 of 2021

Arising Out of PS. Case No.-58 Year-2019 Thana- BHANGHA District- West Champaran

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YOGENDRA YADAV @ JOGINDRA YADAV S/O LATE GANGA YADAV
R/o village- Kamlanagar, P.S.- Manpur, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Umesh Chandra Verma
For the Respondent/s	:	Mr.Binay Krishna
For the informant	:	Mr. Bimlesh Kumar Pandey, Adv.

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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. 738 of 2021 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dismissed as withdrawn by order dated 23-03-2021 passed by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 Sessions Judge-cum-the Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 58 of 2019 registered for the offences under Sections-341, 323, 504, 506/34 of the Indian Penal Code and Sections-3(1)(r)(s) 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 the alleged date of occurrence, the informant along with two labourers was filling soil. The accused persons are said to have started loading soil on the tractor. When the informant prevented from doing so, the accused persons started abusing and assaulting her.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. The appellant has been falsely implicated in the present case. The case has been instituted after five days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution. The allegation of assault with fist and slaps has been made against the appellant. No weapon is said to have been used in course of the occurrence. 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.

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 31-07-2021 passed by learned Ist Additional Sessions Judge-cum-the Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 58 of 2019 by which the anticipatory bail of the appellant was rejected.

Accordingly, the order dated 31-07-2021 passed by learned Ist Additional Sessions Judge-cum-the Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 58 of 2019 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 Sessions Judge-cum-the Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 58 of 2019.

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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