

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.880 of 2022

Arising Out of PS. Case No.-452 Year-2020 Thana- MUFFASIL District- West Champaran

Sonu Yadav @ Sonu Kumar Yadav@ Ashish Kumar, Son Of Sipahi Yadav
Resident Of Village - Parwatiya Tola/ Chargaha, P.S.- Bettiah Muffassil,
Distt.- West Champaran, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Himachal Ram, Son of Darshan Ram Resident of Village-Chargaha,P.O and
P.S-Mufassil /Bettiah,Dist-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vikas Ratan Bharti- Advocate
For the Respondent/s : Ms.Usha Kumari 1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 07-07-2023 Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
15.12.2021 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST Act, West Champaran at
Bettiah in connection with Bettiah Mufassil P. S. Case
No.452 of 2020, instituted for the offences under Sections
341, 323, 447, 504, 506/ 34 of the Indian Penal Code and
Section 3(i)(r)(s) of the Scheduled Castes & Scheduled
Tribes (Prevention of Atrocities) Act, whereby his prayer for
grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that



notices were issued and the same was received by the father of the informant for which an application of jointness has been filed. It is next submitted that appellant has antecedent of two cases and the informant alleges that the appellant along with the accused persons came at his house and asked him to give evidence in a case of Manish Patel and when the informant refused, it is alleged that he was assaulted brutally and abused.

The learned counsel for the appellant submits that even presuming what has been alleged is true without admitting, then the occurrence is not taken place in public view. It is next submitted that the F.I.R. also does not disclose what abuse was hurled. It is next submitted that the date of occurrence is 08.07.2020 and the F.I.R. came to be instituted on 26.07.2020 i.e. after a delay of nearly more than 17 days without any plausible explanation.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 15.12.2021 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his



arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Bettiah Mufassil P. S. Case No.452 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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