

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2481 of 2022

Arising Out of PS. Case No.-162 Year-2020 Thana- JOGAPATTI District- West Champaran

JADOLAL YADAV @ YADAVLAL YADAV Son of Late Chandrika Yadav
R/o Vill.- Badharwa, P.S.- Jogapatti, Dist.- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2, Adv.
For the Respondent/s : Mr.A.G., SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 6 26-07-2023 1.Despite of notice issued, nobody appeared on behalf of reposondent No 2.
- 2.Heard learned counsel for the appellants, the State and respondent no.2.
- 3.The present appeal is directed against the order dated 28.05.2022, passed in a case registered for the offence punishable under Sections 347, 307, 504, 506/34 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST Act and S-27 Arms Act,whereby anticipatory bail of the appellants has been rejected.
4. It is alleged that when informant was sleeping on



her door then all accused have come and abused her by caste name. It is further stated that co-accused Binod Yadav fired upon fire upon her which hit left side waist of the informant.

5 . It is submitted that specific accusation of assault is against co-accused Binod Yadav. There is general and omnibus allegation of assault against this appellant. Incident did not take place within public view, as such, no case under SC/ST Act is made out.

6. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

7. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 28.05.2022 is set aside.

8. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st A.D.J. Cum Special Judge SC/ST Act Bettiah, W. Champaran, in connection with Jogapatti P.S. Case No. 162 of 2020 subject to the condition as laid down under Section 438



(2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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