

Arising Out of PS. Case No.-117 Year-2023 Thana- NIRMALI District- Supaul

Arising Out of PS. Case No.-117 Year-2023 Thana- NIRMALI District- Supaul

Mukesh Kumar Yadav SON OF SHIV KUMAR YADAV Village- Itahri Ward

No.9 PS -Supaul Nadi Thana District- Supaul Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tahsin Nayyar Siddiqui , Advocate

Mr. Abhishek Anand , Advocate

Mr. Mohammad Akhter Hussain, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2025 Heard learned counsel for the parties. Pursuant to order dated 10.01.2024 , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 09.10.2023 passed in a case registered for the offence punishable under sections 147, 149, 341, 323, 379, 384, 504, 506 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , on 08.06.2023 , while the complainant Jamun sada was constructing house on his land, in the meantime , all the accused persons including this appellant obstructed the construction and abused him by caste name and also threatened with dire consequences. It is further alleged that accused persons also demanded extortion .

4. It is submitted that appellant is innocent and has committed no offence as alleged. As a matter of fact, the land in question on which complainant was constructing is public land which was obstructed by the appellant which caused annoyance to the informant and just to teach lesson , this false and concocted case has been lodged. It is further submitted that the present case finds its base in the previous two cases i. e., Nirmali P S Case No. 52 of 2023 and Nirmali P S Case No. 53 of 2023 wherein the said plot was disputed and only just to humiliate and pressurize , this false and concocted case has been lodged against this appellant. Appellant claims clean antecedent.

5 . Learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant,



named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 Additional sessions Judge 1st Supaul in connection with Nirmali Police Station Case No. 117 of 2023 .

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

