

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.946 of 2020**

Arising Out of PS. Case No.-98 Year-2014 Thana- SIDHWALIYA District- Gopalganj

1. AJAY TIWARI Son of Uma Shankar Tiwari Resident of Village - Barahima, P.S.- Sidhwalia, Distt - Gopalganj.
2. Vijay Tiwari @ Vijay Kumar Tiwari Son of Uma Shankar Tiwari Resident of Village - Barahima, P.S.- Sidhwalia, Distt - Gopalganj.
3. Afsar Hussain Son of Sahid Miyan Resident of Village -Sareya Pahar, P.S.- Sidhwalia, Distt - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Dhramveer  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      25-11-2020                      Due to 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.

Heard the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Complaint Case No. 1560 of 2013 corresponding to Sidhwalia P.S. Case No. 98 of 2014 registered for the offences under Sections 420, 406, 120(B) of the Indian Penal Code and Sections 3(1)(X) of the SC/ST Act.

Allegedly, the appellants came at the door of the



informant and on the assurance of providing job in abroad, took Rs. Four lacs from the informant and others but neither job was provided nor money was returned. It is also alleged that when the money was demanded, the accused persons abused with caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The present prosecution has been launched on the basis of complaint case. Subsequently, FIR was registered under Section 156(3) Cr. P.C. The police after investigation, submitted final form finding the case to be false. The court below differed with the said police report and proceeded on the basis of protest petition. The matter relates to civil dispute. 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 appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 06-01-2020 passed by learned Additional District &



Sessions Judge-V, Gopalganj in Complaint Case No. 1560 of 2013 corresponding to Sidhwalia P.S. Case No. 98 of 2014 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-V, Gopalganj in connection with Complaint Case No. 1560 of 2013 corresponding to Sidhwalia P.S. Case No. 98 of 2014.

**(Sudhir Singh, J)**

A.K.V.//-

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