

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1178 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- PATAHI District- East Champaran

Vivek Mandal @ Vivek Kumar S/o Gagendra Mandal Resident of Village-
Patahi, P.S.- Patahi, Distt- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 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.

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 the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Patahi P.S. Case No. 273 of 2019
initially registered for the offences under Sections 363, 365 of
the Indian Penal Code but later on, charge sheet was submitted
under Sections 363, 365, 302, 120(B), 201, 379/34 of the Indian
Penal Code and Sections 3(i)(r), 2(2)(v) of the SC/ST Act.



Allegedly, the husband of the informant used to work as night guard in Girls School, Patahi. After delivering tea in school, he went towards Chowk and since then, he did not return.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The appellant is not named in the FIR. His name has transpired in this case on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the appellant in the present case. The alleged occurrence has not taken place within public view. Hence, no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is not named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 25-01-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Motihari, East Champaran in Patahi P.S. Case No. 273 of 2019 is set aside. The present Criminal Appeal is allowed.

Accordingly, let the appellant, 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-Ist-cum-Special Judge, SC/ST (POA) Act, Motihari, East Champaran in connection with Patahi P.S. Case No. 273 of 2019.

(Sudhir Singh, J)

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