

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1155 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- AKBARPUR District- Nawada

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MANOJ YADAV @ MANOJ KUMAR YADAV S/O LATE MAHADEV
YADAV R/O VILLAGE-BUDHUA KHURD, P.S.-AKBARPUR, DISTRICT-
NAWADA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raj Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 11-08-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated

05.12.2020 passed by the learned Special Judge, SC/ST,
Act -cum- Additional District & Sessions Judge -1st Nawada
in A.B.P. No. 1220of 2020 arising out of Akbarpur P.S.
Case No. 44 of 2020, whereby the prayer made on behalf
of the appellant for grant of anticipatory bail for the
offences under Sections 419, 420, 467, 468, 471, 504,



506 and 34 the Indian Penal Code and Section 3(i)(r)(s) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is that the informant had issued a cheque of Rs. Twenty Eight Thousand only in the name of Ramswarup Yadav towards the cost of bricks but with the help of the appellant, Rs. One Lakh and Twenty Eight Thousand was withdrawn from the bank. When the appellant was confronted, he assured that Rs. One Lakh would be returned by Ramswarup Yadav. When the money was not being returned, the informant visited the house of the accused persons including the appellant, where he was threatened, abused and assaulted.

Learned counsel for the appellant has submitted that he has been made accused in this case only because of his proximity with Ramswarup Yadav in whose name the cheque of Rs. Twenty Thousand was issued, who had only withdrawn an excess amount of Rs. One Lakh. So far as the appellant is concerned, except for the suspicion that he may have conspired, there is no other material to connect



him with the offence. Ultimately, the money which was unauthorizedly withdrawn by Ram Swarup Yadav has been returned and the informant now does not wish to prosecute the appellant any further.

On the afore-stated grounds, it has been urged that none of the offences either under Indian Penal Code or under SC/ST (Prevention of Atrocities), Act can at all be said to have been made out against the appellant.

For the reasons afore-stated, the order dated 05.12.2020 passed by the learned Special Judge, SC/ST, Act -cum- Additional District & Sessions Judge -1st Nawada, is set aside.

The appeal stands allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, SC/ST, Act



-cum- Additional District & Sessions Judge -1st Nawada in
connection with Akbarpur P.S. Case No. 44 of 2020.

(Ashutosh Kumar, J)

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