

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1071 of 2020

Arising Out of PS. Case No.-43 Year-2019 Thana- NAUTAN District- Siwan

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MANOJ YADAV Son of Krishna Chaudhary Resident of Village - Angauta,
Mirzapur, P.S.- Hathua, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2021 Heard the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with Nautan P.S. Case No. 43 of 2019 registered for the offences under Sections 365, 302, 201 and 120(B) of the Indian Penal Code and Sections 3(2)(v)(a) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act.

Allegedly, on the mobile of informant's husband, a phone came and it was asked by her husband that he was going to Mirzapur in a feast but he did not return. Further it was detected that there was no marriage in the village Mirzapur on the date of occurrence. In spite of hectic search, the husband of the informant was not traced out.

It has been submitted on behalf of the appellant that



the appellants have 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. Subsequently, name of the appellant came in this case on the basis of suspicion. Except for suspicion, 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 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 appellant is not named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 13-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Siwan in Nautan P.S. Case No. 43 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 eight 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 Act, Siwan in connection with
Nautan P.S. Case No. 43 of 2019.

(Sudhir Singh, J)

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