

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1873 of 2020

Arising Out of PS. Case No.-133 Year-2020 Thana- NAWADA District- Nawada

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BINDU KUMARI WIFE OF SHAMBHU CHAURASIYA Resident of Ravi
Kutir, Sidhartha Nagar, Jagdeo Path P.S.- Rukunpura, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Man Mohan Kumar
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-03-2021 Heard the parties through virtual mode.

The matter relates to grant of anticipatory bail to the appellant in connection with Nawada P.S. Case No. 133 of 2020 SC/ST P.S. Case No. 54 of 2019 registered for the offences under Sections 419, 420, 323, 327, 504, 304, 120B of the Indian Penal Code and Sections 3(ii)(v) of the SC/ST Act.

Allegedly, at the instance of the accused persons, in spite of being referred by doctor, the informant did not proceed to MMCH, Gaya for better treatment of his Bhabhi and she remained at Sadar Hospital, Gaya where on surgery, the informant's Bhabhi gave birth of a child but in course of treatment, his Bhabhi died.

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 is not named in the FIR. The name of the appellant has come in course of investigation merely on the basis of suspicion. Except for this, there is no other substantive evidence to suggest the implication of the appellant in the present case. There is no allegation against the appellant of committing any offence 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 19-09-2020 passed by learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Nawada in Nawada P.S. Case No. 133 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, the provisional bail granted to the appellant by order dated 17-12-2020 is, hereby, *confirmed*.

(Sudhir Singh, J)

A.K.V.//-

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