

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2051 of 2022**

Arising Out of PS. Case No.-704 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Manoj Yadav, Son of Late Adhin Yadav Resident of Village - Brajesh Nagar,  
P.S.- K.Hat, Distt.- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitish Kumar Binay Kumar Resident of Mata Chauk, New Sipahi Tola, P.S.-  
K.Hat, District-Purnia

... .. Respondent/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Appellant/s  | : | Mr.Ajit Kumar Singh, Advocate  |
| For the Respondent/s | : | Mr.Binay Krishna, Spl.PP       |
| For the Informant    | : | Mr. Amit Kumar Anand, Advocate |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 29-09-2022**

Heard learned counsel for the appellant and learned  
Spl.PP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks from the date of  
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 against the refusal of prayer for bail by  
order dated 26.02.2022 passed by the learned 1<sup>st</sup> Additional  
Sessions Judge-cum-Special Judge SC/ST Act, Purnea in  
connection with SC/ST Case No. 07 of 2022 arising out of K.  
Hat P.S. Case No. 704 of 2021, registered for the alleged  
offences under Sections 304 B and 34 of the Indian Penal Code  
and Sections 3(2)(v) of the Scheduled Castes and Scheduled



Tribes Act.

As per the prosecution case, the sister of the informant was married to the son of the appellant. It is alleged that she was tortured and being treated with cruelty on account of demand of money by the appellant and other co-accused persons. Later on, she has been done to death by the appellant and other co-accused persons.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case and he has no role in the occurrence as alleged. The appellant resides in a temple with his wife as a priest in that temple and has no concern with the co-accused Lalu Yadav. The son of the appellant solemnized marriage with the deceased and it was a love marriage and both of them were living separately from the appellant. The son of the appellant fell into bad company and has been troubling everybody and for this reason wife of the appellant has filed a petition bearing Miscellaneous Petition No. 3161 of 2019 in the Court of learned C.J.M., Purnea submitting that her son used to ask for money and due to non-payment of money always used to assault her. As the son of the appellant solemnized the marriage without consent of the appellant, the appellant ousted him from his house. Moreover, the allegations



are quite vague, general and omnibus. There would be no application of provisions of SC/ST(POA) Act as taking the caste name inside the house and not in a public view. There is no specific allegation against the appellant. The son of the appellant is already in custody. The appellant is in custody since 20.12.2021 and charge sheet has been submitted in this case.

Learned Spl.PP as well as learned counsel appearing on behalf of the informant/respondent no.2 oppose the submission made on behalf of the appellant. Learned counsel for the informant submits that specific allegation has been levelled against the appellant and other co-accused persons for killing the sister of the informant. The informatory petition was filed by the wife of the appellant is of no importance as anyone could file such application. Learned counsel for the informant further submits that post-mortem report shows the death was caused due to strangulation.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed to this appellant and further considering the period of custody of the appellant along with submission of charge sheet, the appellant



above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge SC/ST Act, Purnea in connection with SC/ST Case No. 07 of 2022 arising out of K. Hat P.S. Case No. 704 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

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