

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2381 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- NAWADA District- Nawada

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1. GAURI YADAV S/O LATE BUMAL YADAV R/O VILLAGE-PURANI MAHULI, P.S.-NAWADA, DISTRICT-NAWADA.
 2. MANISH YADAV @ RAM BALAK YADAV @ MANISH KUMAR S/O GAURI YADAV R/O VILLAGE-PURANI MAHULI, P.S.-NAWADA, DISTRICT-NAWADA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rajendra Kumar Rameshwar Paswan Village-Mahuli,P.S-Town (Nawada),District-Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Vinay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.02.2021 in A.B.P. No. 244 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Nawada Town P.S. Case No. 401 of 2020 registered for the offences punishable under Sections 341, 323, 325, 379, 504, 506 and 34 of the



Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that Mithilesh and Gauri abused him, his son and nephew and started demanding extortion and even assaulted his son and nephew.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not even remotely suggest that the occurrence was witnessed by anyone. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view and similarly situated co-accused Mithilesh Kumar had moved before this Court by filing Criminal Appeal (SJ) No. 1741 of 2021 which was allowed by order dated 12.08.2021 by a learned Co-ordinate Bench.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 08.02.2021 in A.B.P. No. 244 of 2021 passed by the learned 1st Additional Sessions



Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Nawada Town P.S. Case No. 401 of 2020 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nawada Town P.S. Case No. 401 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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