

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3761 of 2022**

Arising Out of PS. Case No.-104 Year-2022 Thana- DURAULI District- Siwan

PARWATI DEVI W/O AVADH CHAUDHARY R/v- Sonbarsha, P.S.- Darauli,
District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. BRAJESH MANJHI S/o Gulab Manjhi R/v- Mahipalwa , P.S.- Darauli,
District- Siwan

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 08-02-2023 **Re:- I.A. No.1 of 2023**

This interlocutory application has been filed for
condoning the delay of 55 days in filing of this appeal.

Considering, the grounds taken in the interlocutory
application, the delay in filing of this appeal is hereby
condoned.

Accordingly, I.A. No.1/2023 is hereby allowed and
disposed of.

Re:- Cr. App (SJ) No.3761 of 2022

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order of this Court, learned Spl P.P



for the State informed the informant about the present case but nobody has entered appearance on his behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 08.06.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Darauli P.S. case no.104 of 2022, registered under Sections 363, 366(A)/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, one Mantu Yadav alongwith other co-accused persons kidnapped the minor daughter of the informant for the purpose of marriage. The informant alleged that when he came to know about the incident, he went to the house of Mantu Yadav and inquired, then all the accused persons abused him by taking caste name and ousted him. It is further alleged that the appellant is also involved in the present case.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no



concern with the aforesaid occurrence. She has been falsely implicated in the case as she happens to be mother of co-accused Mantu Yadav. There is no specific overt act against the appellant. The specific allegation is against the co-accused Mantu Yadav. There is inordinate delay of three months and 20 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. He further submits that the informant is not an eye-witness of the alleged occurrence. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, as there is no specific overt act against the appellant, let the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Darauli P.S. case no.104 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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