

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1873 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- JIRADEI District- Siwan

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Ankush Yadav, Son of Vijay Yadav Resident of Village- Thapahan /Thepahan,
Bari Tola, P.S.- Ziradei, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Durgawti Devi, Wife of Manoj Ram Resident of Thapahan/Thepahan, Bari
Tola, P.S.- Ziradei, Dist.-Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-04-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
01.04.2024 passed by the learned 1st Additional Sessions Judge-
cum-Special Judge, Siwan in connection with Ziradei P. S. Case
No.5135004240003 of 2024 (03/24), instituted for the offences
under Sections 363, 366, 504, 506 and 34 of the Indian Penal
Code and Section 3(i)(r), 3(i)(s) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, whereby his
prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that
appellant has been falsely implicated in the instant case by the



respondent no.2. It is next submitted that from perusal of the F.I.R., it would manifest that the same was instituted on 05.01.2024 with respect to an occurrence dated 30.12.2023. It is next submitted that the informant alleges that her daughter went with Vikash Yadav on 30.12.2023 and when she did not return, the informant went to the house of Vikash Yadav for inquiring, when it is alleged that the appellant, who is cousin brother of Vikash Yadav abused her by taking her caste name and threatened not to institute any case.

4. The learned counsel for the appellant submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the F.I.R. has been instituted after a delay of nearly six days of the occurrence, which cast an aspersion on the case of the prosecution. It is further submitted that even presuming what has been alleged is true without admitting, then the occurrence took place at the house of Vikash Yadav and thus, was not in public view.

5. The learned Special P. P. opposes the anticipatory bail application and submits that notices be issued on opposite party no.2 on which, the learned counsel appearing on behalf of the appellant submits that when prima facie no offence in the nature of allegation as alleged in the F.I.R. is being made out,



then the issue of notice does not arise.

6. Regard being had to the aforesaid submissions, the order dated 01.04.2024 is set-aside.

7. The appeal stands allowed.

8. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Ziradei P. S. Case No.5135004240003 of 2024 (03/24), subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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