

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3654 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- KRITYANAND NAGAR District- Purnia

Bhulan Mehta Son of Late Ramdeo Mehta Resident of Village- Srinagar, P.S.-
Srinagar, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 16-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 26.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST, Purnea in K. Nagar (Srinagar) P.S. Case No. 112 of 2018 registered under Sections 341, 323, 354(B), 504, 506 of the Indian Penal Code and Section 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant intruding into the courtyard of the informant tried to outrage her modesty and tore her attire. He also slated her in the name of her caste and assaulted her by



means of slap and fist and stick of bamboo.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to animosity. Witnesses in paragraphs 8, 9, 10, 11 and 12 have stated that altercation took place between the informant and the appellant on the road. They have not supported the occurrence of trying to outrage the modesty of the informant intruding into her house by the appellant. There is no injury report of the informant in the case diary. Allegation of slating the informant in the name of her caste is said to have been made in the courtyard of the informant and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum



Special Judge, SC/ST, Purnea in K. Nagar (Srinagar) P.S. Case
No. 112 of 2018, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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