

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3868 of 2019**

Arising Out of PS. Case No.-78 Year-2019 Thana- PASRAHA District- Khagaria

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VAISHNAV KUMAR @ SONU Son of Ramadhar Singh @ Ramadhar Prasad
Singh Resident of Village - Sikandarpur Ward No. 8, P.S.- Muffasil, District-
Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Viveka Nandsingh
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 16-12-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal under section 14A(2) of the SC and
ST (Prevention of Atrocities) Act has been preferred against the
rejection of the bail of the appellant vide order dated 5.8.2019
passed in Spl.A.B.A. No.21 of 2019 arising out of Pasraha P.S.
Case No. 78 of 2019 registered for offence under section
341,323,332,353 and 504 of the Indian Penal Code and section
3(i)(r)(s) of the SC and ST (Prevention of Atrocities) Act.

As per allegation in the FIR, the informant states that
he is posted in the Telephone Department as T.S.M. It is further
submitted that on the point of broadband connection of the
B.S.N.L not working, there was some exchange of hot words



between him, the appellant and his father who is posted as the Postmaster and thereafter it is stated that the appellant gave him a slap causing injury for which he got himself treated. On the next day the informant went and submitted report of his treatment in the police station. It is finally stated that the accused persons threatened and abused him in the name of his caste.

It is submitted by learned counsel for the appellant that the allegation as levelled in the F.I.R. are false and concocted. There is no explanation for the delay of 2 days in lodging of the F.I.R. While the occurrence is said to have taken place on 26.8.2019 the F.I.R. was lodged only on 28.6.2019 without there being any medical report on record. It is further submitted that from reading of the F.I.R. it would also transpire that there is no mention of any other person being a witness to the alleged occurrence including the accused persons having abused the informant in the name of his caste. It is also submitted by learned counsel for the appellant that from perusal of the photocopy/certified copy of the F.I.R. at page 15 it would transpire that so far as part of allegation that the appellant abused the informant in the name of his caste is an afterthought and has been inserted subsequently.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the nature of allegation, the delay in lodging of the F.I.R. together with the submission made on behalf of the appellant on ground of allegation of the informant being abused in the name of his caste being inserted subsequently, this Court is inclined to enlarge the appellant above named on bail, in the event of his arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Special Judge, SC/ST Act, Khagaria in connection with Pasraha P.S. Case No. 78 of 2019 (District Khagaria) subject to the conditions stipulated under section 438(2) of the Code of Criminal Procedure.

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

(Partha Sarthy, J)

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