

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4001 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- BACHHWARA District- Begusarai

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ABHINANDAN KUMAR @ CHOTU Son of Vijay Chaudhary Resident of
Village- Bachhwara, P.S.- Bachhwara- and District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sabal Kumar Jha
For the Respondent/s : Mrs Usha Kumari 1

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

ORAL ORDER

3 18-11-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 13.08.2019 passed by learned Special Judge
(SC/ST Act), Begusarai in connection with Bachchwara P.S.
Case No. 132 of 2019 registered under Sections 354B, 504, 506
of the Indian Penal Code, Section 8 POCSO Act and Section
3(1)(w), 13(2)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant is said to have tried to outrage the



modesty of minor daughter of the informant intruding into her house. When the informant and Pankaj Kumar rushed there responding hulla made by her daughter other accused persons arriving there slated the informant and her daughter in the name of their caste and extended threatening of dire consequences in case of lodging the case.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to land dispute. The statement of the informant is self contradictory as at one place she has stated that her daughter had gone to get the milk measured at the field while at another place she has stated that she was in her house and appellant tried to outrage her modesty intruding into the house. Aforesaid contradictory statement of the informant itself creates doubt about the prosecution case. The allegation of slating the informant and her daughter in the name of their caste is said to have been made at the house of informant and not in public view, and moreover, there is no allegation of slating the informant and her daughter by the appellant in the specific name of their caste, hence, no offence under SC/ST Act is made out against the appellant. It is further submitted that though the victim in her statement recorded under Section 164 Cr.P.C. after



15 days of the occurrence supported the case but she has not given the explanation regarding lodging of the F.I.R. after inordinate and abnormal delay of 11 days. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Begusarai in connection with Bachchwara P.S. Case No. 132 of 2019, 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.

(Prakash Chandra Jaiswal, J)

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