

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.495 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- GORAU District- Vaishali

Md. Salam, aged about 30 years, Male, Son of Md. Islam, Resident of Village
- Bahwalpur, P.S.- Goraul (Kathara O.P.), District - Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Bela Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-11-2020 Heard the parties through the virtual court proceeding.

The appeal is against the order dated 21.12.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Vaishali in A.B.P. No.2522 of 2019, whereby the Anticipatory Bail Petition of the appellant in connection with Goraul P.S. Case No.60 of 2019 dated 07.03.2019 for the offences punishable under Sections 341, 323, 376, 511, 504, 506 of the Indian Penal Code and Sections 83 (1)(r)(s)(w), 13(2)(va) of SC/ST (Prevention of Atrocities) (POA) Act, has been rejected.

The prosecution case in brief is that Lila Devi, wife of Mukesh Paswan of village Mahamadpur Gangari, P.S.- Goraul (Kathara O.P.), District- Vaishali gave a written application before SHO Kathara on 07.03.2019 alleging therein, inter alia,



that on 04.03.2019 at about 2 hrs, she went for natural call in Basbari, during that point of time Md. Salam (petitioner), son of Md. Islam caught hold her from back with bad intention and tried to tie her hand with saree. She raised hulla, then he fled away. It has further been stated that when she along with her husband went to the house of his father namely Md. Islam for making complaint against Md. Salam (petitioner) and narrated the incident, he abused and ready to scuffle.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence and has falsely been implicated in this case due to bad village politics. He further submits that on perusal of the F.I.R., no case is made out against the appellant and the appellant has not made out any case related to derogatory language used against the victim. He further submits that there is inordinate delay for lodging the First Information Report. The occurrence took place on 04.03.2019 and F.I.R. was lodged on 07.03.2019. There is no explanation of such delay. He further submits that similarly situated co-accused has been granted anticipatory bail vide order dated 29.08.2019 passed in Cr. Appeal (SJ) No.2876 of 2019.

Considering the submission of the appellant, I have perused the record and the case diary. It is admitted fact that the



appellant has not made out any case related to derogatory language used against the victim, therefore, no SC and ST Act is applicable against the appellant.

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.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Vaishali in connection with Goraul (Kathara O.P.) P.S. Case No.60 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 21.12.2019 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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