

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5897 of 2019**

Arising Out of PS. Case No.-434 Year-2015 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Pawan Kumar @ Pavan Kumar Son of Bilash Saw Resident of Village- Naraula, P.S.- Obra, District- Aurangabad (Bihar).
 2. Sanoj Kumar Son of Rajdeo Yadav Resident of Village- Naraula, P.S.- Obra, District- Aurangabad (Bihar).
 3. Pramod Yadav @ Pramod Kumar Son of Pukar Yadav Resident of Village- Naraula, P.S.- Obra, District- Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Manorama Devi Wife of Sudama Ram Resident of Village- Naraula, P.O.- Bel, P.S.- Obra, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Leelawati Kumari, Adv.
For the Respondent/s : Mr. Usha Kumari No.1, Spl.PP

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

3 01-10-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through video conferencing.

The instant appeal has been preferred against the order dated 9.12.2019 passed in A.B.P. No. 1478 of 2019 by the learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST Act, Aurangabad, whereby the prayer for bail of the appellant was rejected.

As per the allegation in the complaint, in a dispute which took place as a result of the informant having been



injured on a cricket ball striking her, it is stated that she was abused by the accused persons in the name of her caste.

It is submitted by learned counsel for the appellants that the allegation as levelled in the complaint are false and concocted. For an occurrence which is alleged to have taken place on 15.1.2015, without any reasonable explanation for the same, the complaint was filed almost 11 months later on 10.12.2015 and cognizance was taken in the case on 18.9.2019. It is submitted that the complaint has been filed for oblique reasons and the appellant has no criminal antecedent.

The appeal is opposed by learned Spl.P.P appearing for the State.

Having heard learned counsel for the parties and taking into consideration the delay in lodging of the complaint together with the contents thereof, in the opinion of the Court it is a fit case where the appeal should be allowed.

The order dated 9.12.2019 passed in A.B.P. No.1478 of 2019 by the learned Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad is set aside.

The appeal is allowed.

The appellants in the event of their arrest or surrender within eight weeks, are directed to be enlarged on bail in



connection with Complaint Case No.434 of 2015 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
1st Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Aurangabad.

(Partha Sarthy, J)

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