IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.607 of 2020

Arising Out of PS. Case No.-246 Year-2019 Thana- DHANARUA District- Patna

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Dhananjay Bind (Male), aged about 35 years, S/o Awadhesh Bind, Resident of Sanda, P.S. Dhanarua, District Patna.

... ... Appellant/s

Versus

The State of Bihar.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Gajanan Mishra
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 05-03-2021 Heard both sides.

The appellant filed this appeal under Section 14A(2) of the SC/ST Act against the order dated 02.09.2019, passed in ABP No.5791 of 2019 by the learned Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna by which the learned Special Judge rejected the prayer for grant of anticipatory bail to the appellant in Dhanarua P.S. Case No.246 of 2019, registered under Sections 341, 323, 504, 506, 354 and 34 of the Indian Penal Code and under Section 3(i)(r)(s) of the SC/ST Act.

The informant alleged that on 15.06.2019 while she was all alone in her house, Dhananjay Bind, the appellant came inside the house with bad intention and caught her hair. He also entered into scuffle with the informant, but in the meantime, her husband came. The appellant is said to have assaulted the husband of the

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informant with butt of pistol and abused the informant and her husband by naming their caste.

Learned counsel for the appellant submits that the occurrence took place on 15.06.2019, but the FIR was lodged on 23.06.2019. No explanation has been given for institution of the case after a week. It is further submitted that the appellant is next door neighbour of the informant. Wife of Sanjay Bind lodged Dhanarua P.S. Case No.249 of 2019 with regard to the occurrence alleged to have been taken place on 15.06.2019 against Krishna Paswan, the husband of the informant and others and she also made allegation of attempt to outrage the modesty. It is submitted that both sides entered into verbal altercation and after one week both sides lodged the case. They were neighbour and no offence under any section of the SC/ST Act is made out.

Having considered the submissions and on perusal of the records, it appears that occurrence took place on 15.06.2019, but the FIR was lodged on 23.06.2019. On same and similar allegation, a counter case is also lodged being Dhanarua P.S. Case No.249 of 2019 against the husband of the informant and others.

Taking into consideration the facts aforesaid, I find that the appellant deserves anticipatory bail. Accordingly, the appeal is allowed. The order dated 02.09.2019, passed by learned Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna in ABP

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No.5791 of 2019 is set aside.

Appellant, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna in connection with Dhanarua P.S. Case No.246 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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