

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1268 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- BELAGANJ District- Gaya

RAM KRIPAL KUMAR @ RAM KRIPAL YADAV S/o Ram Pyare Yadav
Resident of Village- Kadirpur, P.S.- Belaganj, Distt- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Heard learned counsel for the appellant and learned
counsel for the State.

The appellant has challenged the order dated 11.02.2020 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 35 of 2020 in connection with Belaganj P.S. Case No. 16 of 2020 registered for the offences under sections 341, 323, 354(A) of the Indian Penal Code and 3(1)(r) of the SC/ST (Prevention of Atrocities) Act, 1989 whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused person assaulted the informant and tried to outrage her modesty. The appellant also abused her by taking her caste name.

It has been submitted on behalf of the appellant that



the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case due to ulterior motive. The F.I.R. has been instituted after three days of the occurrence. The delay in lodging the F.I.R. has not been explained by the prosecution. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 11.02.2020 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 35 of 2020 in connection with Belaganj P.S. Case No. 16 of 2020 by which the anticipatory bail of the appellant was rejected.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Judge, SC/ST Act, Gaya in connection with
Belaganj P.S. Case No. 16 of 2020.

The appeal stands allowed.

(Sudhir Singh, J)

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