

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1874 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- SC/ST District- Nalanda

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Bhubaran Ranjan Narayan Sinha @ Bhuvan Ranjan Sinha @ Bhuranjan Narayan Sinha Son of Late Bhupendra Narayan Sinha Resident of Village - Katauna, P.S.- Katrisarai, District - Nalanda.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant : Mr. Shivendra Prasad, Advocate
For the Respondent : Mr. Sadanand Paswan, Slp PP.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 15-01-2021

Heard Mr. Shivendra Prasad, learned counsel for the appellant and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2 The instant appeal under Section 14A(2) of the Scheduled Castes and the Schedules Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') has been preferred by the appellant against the order dated 19.03.2020 passed by the learned Additional Sessions Judge 1st-cum-Special Judge, Nalanda at Biharsharif in A.B.P. No.512 of 2020 whereby the prayer for grant of pre-arrest bail of the appellant in connection with SC/ST P.S. Case No.02 of 2020 registered under Sections 447, 341, 354, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(h) of the Act has been rejected.



3. The allegation, as per the first information report, instituted by the informant Kabita Devi on 04.01.2020 is that on 30.12.2019, at about 8 am, the accused persons entered into her house in search of her husband and started pressing her neck by catching her hair. They stated as to why she did not harvest their paddy crop and started abusing her by calling her caste name 'chamain' and told her to leave the village if she did not want to harvest his crop otherwise she would be killed.

4. Mr. Shivendra Prasad, learned counsel appearing for the petitioner submitted that there is an inordinate delay of four days in lodging the complaint before the police. According to him, there is no explanation in the first information report as to why the FIR could not be filed in time. He further contended that the appellant and the informant are on inimical term since before. The appellant had instituted Giriyak (Katrisarai) P.S. Case No.200 of 2019 on 03.06.2019 under Sections 379, 341, 323, 504 and 506 read with 34 of the Indian Penal Code in which the husband of the informant of the present case and other family members were made accused. In order to put pressure, the instant case has been instituted by him against the appellant and his family members. He further contended that the place of occurrence is alleged to be the



dwelling house of the informant, which cannot be said to be the public place. Furthermore, it is not a case which took place in public view. He contended that the court below did not appreciate the facts and the law involved in the present case and rejected the application for grant of pre-arrest bail of the appellant holding the same to be not maintainable under Section 18 of the Act.

5. On the other hand, Mr. Sadanand Paswan, learned Special Public Prosecutor appearing for the State submitted that delay in institution of FIR is caused due to various factors and the same would not be fatal to the prosecution case. He further contended that at this stage, it cannot be said that the offence under the Act made out at the dwelling house of the informant cannot come within the purview of public place.

6. Considering the submission made on behalf of the parties, the inordinate and unexplained delay of 4 days caused in institution of the first information report and the other factors, I am of the view that the appellant deserves to be granted pre-arrest bail.

7. Accordingly, the impugned order dated 19.03.2020 passed by the learned Additional Sessions Judge 1st-



cum-Special Judge, Nalanda at Biharsharif in A.B.P. No.512 of 2020 rejecting the application for grant of pre-arrest of the appellant is set aside.

8. The appellant is directed to be released on bail, in the event of his arrest or surrender, 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 Additional Sessions Judge 1st-cum-Special Judge, Nalanda at Biharsharif in connection with SC/ST P.S. Case No.02 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

9. The appeal stands allowed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2021
Transmission Date	19.01.2021

