

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5 of 2021**

Arising Out of PS. Case No.-6 Year-2020 Thana- SC/ST BAGHA District- West Champaran

NIRAJ KUMAR S/o Shambhu Jaiswal @ Shambhoo Sah R/o village-
Dumwaliya Dih, P.S.- Bagaha, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Ms. Usha Kumari No. 1, Spl. P.P.

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

2 19-03-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

The instant appeal has been preferred against the order dated 12.5.2020 passed by the learned 1st Additional District and Sessions Judge – cum – Special Judge, SC/ST Act, West Champaran, Bettiah whereby the prayer for regular bail of the appellant in connection with SC/ST Bagaha P.S. Case No. 06 of 2020 registered under sections 341, 323, 354, 504 and 506 of the Indian Penal Code and sections 3(1)(r)(s)(w)(i) and 3(2)(v) (a) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the informant that in absence of her husband, the appellant misbehaved with her.

It is submitted by learned counsel for the appellant



that the allegations as levelled in the F.I.R. are false and concocted. The appellant has been falsely implicated in the case because of his opposition to her illegal activities which has led of lodging of two cases against the informant details of which have been given in paragraph no. 8 of the petition. It is further submitted that no reason whatsoever has been given for delay of ten days in lodging of the first information report. Appellant has no criminal antecedent and has remained in custody for about one year since 20.3.2020.

The appeal is opposed by learned Spl.P.P. appearing for the State who submits that the allegation against the appellant from reading of the first information report, are direct and serious in nature.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the appellant having remained in custody for about one year, the Court is inclined to allow the appeal.

The appeal is allowed and the order dated 12.5.2020 passed by the learned 1st Additional District and Sessions Judge – cum – Special Judge, SC/ST Act, West Champaran, Bettiah is set aside. The appellant is directed to be enlarged on bail in



connection with SC/ST Bagaha P.S. Case No. 06 of 2020 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 District and Sessions Judge – cum –
Special Judge, SC/ST Act, West Champaran, Bettiah .

(Partha Sarthy, J)

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