

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4812 of 2019

Arising Out of PS. Case No.-205 Year-2019 Thana- KONCH District- Gaya

DEEPAK GOSWAMI S/O Sri Bachan Goswami Resident of Village- Dabur,
P.S.- Konch, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravindra Kumar Sinha, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Bhaskar Shankar, Adv.
		Mr.Rakesh Singh, Adv.
		Mr.Mithilesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 24-11-2021 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl.P.P. for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 23-09-2019 passed by learned Exclusive Special Judge (SC/ST), Gaya, in connection with Konch P.S. Case No.205 of 2019, registered under sections 341, 504, 506, 354 of the IPC and sections 3(i)(r)(s) w(i) of the SC/ST (POA) Act.

The prosecution case in brief, is that while the informant went for ease, the appellant came there and abused her and



when she was moving from there, he caught her hand with ill motive. She moved ahead, then the appellant started chasing her but after seeing the people, he fled away.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence ever took place. The appellant has no concern with the aforesaid occurrence and has been falsely implicated in the case. The occurrence took place on 15.05.2019 while the FIR has been registered on 05.07.2019 i.e. after a delay of 51 days and there is no explanation given by the informant regarding such delay in lodging the FIR. Slating the informant in the name of caste is not said to have been made in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. The appellant has two criminal antecedent.

Learned Spl. PP for the State and learned counsel for the informant opposed the prayer for anticipatory bail and submitted that the offence is made out against the appellant under the SC/ST Act.

In the facts and circumstance of the case, since there is



long delay in lodging the FIR, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Gaya, in connection with Konch P.S. Case No.205 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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