

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.333 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- SALAIYA District- Aurangabad

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Santosh Kumar Sinha Son Of Lakhan Lal @ Lakhan Prasad Sinha Resident of
Village- Mangar Bigha, P.S.- Salaiya, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State Of Bihar
2. Puspa Kumari Son of Lakhan Chaudhary Resident of Village- Mangar Bigha, P.S.- Salaiya, District- Aurangabad (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Leelawati Kumari
For the Respondent/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-09-2022 From the office notes, it appears that notice is validly served upon the respondent no. 2 but no one appears on behalf of the respondent no. 2

Heard Mrs. Leelawati Kumari, learned counsel for the appellant as well as learned Special Public Prosecutor for the State.

The present appeal under Section 14(a) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the SC/ST (POA) Act) preferred against the order dated 06.01.2021 passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, in connection with Salaiya P.S.Case No. 66



of 2021 instituted for the offence under Sections 341, 323, 457, 380, 506 of the Indian Penal Code, whereby prayer for bail of the appellant has been rejected.

The prosecution case is based on a written report alleging therein that on 07.10.2021 while the informant and her younger brother, who was at home, in the meantime, the appellant entered into the house of the informant and slapped and assaulted the informant's brother on the point of pistol and snatched a gold locket of Bajrangbali and cash of Rs. 10,000/- from a box kept inside the room.

Learned counsel appearing on behalf of the appellant submits that with regard to an occurrence, which took place on 07.10.2021, the FIR has been instituted on 21.11.2021 without assigning any reason of delay. It is next submitted that though there is allegation of snatching gold locket and cash but nothing has been recovered from person or possession of the appellant. She further submits that the entire case has been instituted on the back drop of election dispute. However, the police after investigation, has not submitted charge sheet under section 380 of the Indian Penal Code. She further submits that the appellant is in custody since 22.11.2021 and moreover, after completion of the investigation charge sheet has been submitted much



earlier.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the nature of allegation as also the fact that during the course of investigation, the case was not found true under section 380 of the Indian Penal Code and moreover, the appellant is in custody since 22.11.2021, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge/ Special Judge, Aurangabad in connection with Salaiya P.S.Case No. 66 of 2021.

Accordingly, the impugned order dated 06.01.2021 is hereby, set aside and the present appeal snads allowed.

(Harish Kumar, J)

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