

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1214 of 2022

Arising Out of PS. Case No.-255 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

DEBU SAHNI S/o Late Saryug Sahni R/o village- Harsingpur, P.S.-
Ghanshayampur, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi W/o Viveka Safi R/o village- Harsingpur, P.S.-
Ghanshyampur, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Girish Chandra Jha, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Kaushalesh Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-08-2022 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.02.2022 passed by learned 3rd Additional



Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Ghanshyampur P.S. Case No. 255 of 2021 registered under Sections 354B & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against this appellant is that he slated the informant by her caste name.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of seven days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Ghanshyampur P.S. Case No.255 of 2021, 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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