

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2279 of 2021**

Arising Out of PS. Case No.-50 Year-2018 Thana- SC/ST District- Patna

RAJ KUAMR S/o Late Jay Kishun Prasad Resident of Karori Chak, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rinku Devi Wife of Ajay Choudhary Resident of Mohalla-Nand Nagar Colony, P.S.-Bahadurpur, District-Patna.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Rajeev Ranjan No.II  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      18-10-2022                      By order dated 20.04.2022, notice was issued to respondent no.2. The office points out that respondent no.2 has made her appearance by filing *Vakalatnama*, but today nobody appears on her behalf.

Heard learned counsel for the appellant and learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.09.2020, passed by learned Special Judge, SC/ST (POA) Act, Patna in connection with SC/ST P.S. Case No.50 of 2018, giving



rise to Special Case No.601 of 2018, registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(w)/3(2)(Va) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that earlier the sister of the appellant had filed a case against the cousin Devar of the informant being Bahadurpur P.S. Case No.75 of 2017, giving rise to Special Case No.67 of 2017 under Sections 341, 354, 354(c) (d) of the Indian Penal Code and 12 of the POCSO Act and thereafter the informant has filed the present case against the appellant to pressurize him to compromise in Special Case No.67 of 2017. It is further submitted that the occurrence took place on 17.09.2018, but the FIR was lodged on 03.11.2018, after delay of more than 1½ months. It is also submitted that there is nothing on record to show that the appellant has abused the informant by naming her caste.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the facts aforesaid and the



fact that there is delay in lodging the FIR, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged 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 learned Special Judge, SC/ST (POA) Act, Patna in connection with SC/ST P.S. Case No.50 of 2018, giving rise to Special Case No.601 of 2018, subject to the conditions 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)**

Sanjay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

