

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1373 of 2022**

Arising Out of PS. Case No.-30 Year-2022 Thana- JURAWANPUR District- Vaishali

Bhawan Ray Son Of Late Jamun Rai R/O Village- Birpur, P.S.- Jurawanpur,
District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushalya Devi Mahendra Ram R/o Village-Lanka Tola, Chakchand, P.S.-
Jurawanpur, District-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deepak Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P.
For the Respondent No.2:	:	Mr. Makardhwaj Upadhyay, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 Learned counsel for the appellant is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Deepak Kumar Singh, learned counsel for the appellant and Mr. Makardhwaj Upadhyay learned counsel for the respondent no.2 as well as learned Sepcial Public Prosecutor for the State.

This is an appeal under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as the “SC/ST Act”) against order dated 02.04.2022 passed by the learned Special Judge SC/ST, Vaishali at Hajipur, in connection with



Jurawanpur P. S. Case No. 30 of 2022 registered for the offences punishable under Sections 341, 323 and 354/34 of the Indian Penal Code and Sections 3(1)(a)(r) of the SC/ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

The prosecution case is based on a written report filed by the informant/respondent no.2 alleging therein that on 18.02.2022 at about 03:00 PM, while the informant/respondent no.2 was returning to her house, in the meantime, the appellant and co-accused Sankar Ray intercepted the informant and her husband and threatened to withdraw the case instituted against them. When the same was protested, the appellant abused them by taking their caste name and thereafter, both of them wrapped a *Gamchha* in the neck of her husband trying to strangle him.

Learned counsel appearing on behalf of the appellant submitted that from the FIR, it would be evident that there was prior animosity between both the sides, however, it is need less to say that in the said incident no one has received any injury nor there is any report in that regard. He further submitted that the occurrence is alleged to have taken place on 18.02.2022, however, the present FIR has been instituted on 14.03.2022, without assigning any reason for delay. It also submitted that



save and except the criminal antecedent of the appellant, which is also resulted on account of political rivalry, there is no other material showing the complicity of the petitioner in the present crime. He last submitted that the appellant is in custody since 16.03.2022 and moreover, the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned counsel for the respondent no.2 has vehemently opposed the bail application and submitted that the appellant is habitual offender and there are so many case pending against him. He next submitted that specific allegation has been levelled against the appellant that he by wrapping *Gamchha* over the neck of the husband of the informant tried to strangle him.

Regard being had to the submission made on behalf of the parties and considering the nature of allegation and inordinate delay in filing of the FIR and the charge-sheet have been submitted, let the appellant above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand) with two surities of the like amount each to the satisfaction of learned Special Judge, SC/ST, Vaishali at Hajipur, in connection with Jurawanpur P. S. Case No. 30 of 2022, subject to the condition that one of the bailors will be the close



relative of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the impugned order dated 02.04.2022 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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