

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1529 of 2022**

Arising Out of PS. Case No.-179 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Chhotu Singh @ Chhotu Kumar S/o Kapil Singh Resident of Village- Bara,
P.s.- Moffasil, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. Mala Devi W/o Niraj Manjhi Resident of Village- Usari Tola Bhagalpur
Buniyadganj, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nand Kishore Prasad Sinha
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 14-07-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
01.02.2022 passed by the learned Exclusive Special
Judge, SC/ST Act, Gaya in connection with Buniyadganj
P.S. Case No. 179 of 2021 instituted for the offences
punishable under Sections 457, 354(B) of the Indian
Penal Code and Section 3(2)(ra) of the SC & ST
(Prevention of Atrocities) Act, whereby their prayer for
being released on anticipatory bail has been rejected.

It is a case of after entering the house,



outraging the modesty and abusing by calling caste name to the informant by the appellant.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. There is general and omnibus allegation against the appellant. It is further submitted that although the informant has lodged the F.I.R. against this petitioner but in her statement recorded under Section 164 Cr.P.C. which is annexed in this petition she has not supported the prosecution case and she has categorically stated in her statement that the appellant has not committed any offence with her so appellant is innocent, the prosecution is falsified itself on the basis of statement made by the informant. As per F.I.R, the occurrence has not committed in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated



01.02.2022 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Buniyadganj P.S. Case No. 179 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Buniyadganj P.S. Case No. 179 of 2021.

(Sunil Kumar Panwar, J)

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