

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1558 of 2022**

Arising Out of PS. Case No.-46 Year-2018 Thana- MAHILA P.S. District- Sheikhpura

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1. BHONU PANDIT SON OF KARU PANDIT R/O MOHALLA-SAMACHAK, P.S.- BARBIGHA, DISTRICT- SHEIKHPURA
 2. RAHUL KUMAR SON OF SIYARAM R/O MOHALLA- SAMACHAK, P.S.- BARBIGHA, DISTRICT- SHEIKHPURA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Anjani Pd. Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-09-2022 Heard learned counsel for the parties.

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 for anticipatory bail vide order dated 25.02.2022 in A.B.P. No. 133 of 2022 passed by the learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Case No. 10 of 2019 arising out of Sheikhpura Mahila P.S. Case No. 46 of 2018 registered under Sections 354, 506/34 of the Indian Penal Code as well as Sections 3(1)(w) of the SC/ST Act.

Learned counsel for the appellants submits that appellants are persons with clean antecedent.



The informant alleges that while she was returning after filling up form of intermediate examination then she was intercepted by Bhonu Pandit and Rahul Kumar, both caught her and took her to a lonely place and outraged her modesty on which she cried and on her cry the accused persons took out a knife and threatened not to cry thereafter five boys came at the place of occurrence then the accused persons fled away.

Learned counsel for the appellants submits that appellants have been falsely implicated in the present case and the police after investigation submitted final form No. 48 of 2018, dated 30.11.2018 in favour of the appellants after carrying out threadbare investigation. It is further submitted that during the course of investigation, no material transpired which could even remotely connect the appellants with the offence but the learned trial court in a mechanical manner differing with the police report took cognizance. It is next submitted that when an investigating agency has investigated the case and has come to a considered conclusion that the appellants are innocent then sending them to jail based on the same investigation as cognizance has been taken would amount to travesty of justice.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.



Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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