

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1606 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- GURUA District- Gaya

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CHAMPA KUMARI WIFE OF MANOJ KUMAR SHARMA RESIDENT OF
VILLAGE - BAHERI, P.S-. GURUA, DISTRICT- GAYA

... .. Appellant/s

Versus

1.The State of Bihar
2. Ravi Nandan Ravi Das, son of Brishbhan Ravi Das, resident of village-
Nadauri, P.S.-Gurua, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.N.K.Agrawal, Sr. Adv. Mr.Tapeshwar Sharma, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr.Kaushlendra Kumar, Adv. Mr.Subhash Patel, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

Learned counsel for the appellant is directed to remove
the defects as pointed out by the office, within four weeks. In
the eventuality of non-removal of defects within stipulated
period, the office will place the matter before the Bench.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
2015 (hereinafter in short referred to as the ‘SC/ST Act’) against
the refusal of prayer for anticipatory bail vide order dated



29.03.2022, passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Gurua P.S. Case No.08 of 2022, registered under sections 148, 149, 147, 341, 342, 323, 307, 504, 506, 379, 120B of the IPC read with sections 3(i)(r) of the SC/ST Act.

Allegedly, the appellant along with one Nishi Kumari have abused the informant by taking his caste name and thereafter assaulted him with iron rod and other objects.

It is submitted by learned senior counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner, as alleged has ever taken place. Appellant has been falsely implicated in this case with frivolous allegation. It is submitted that the alleged occurrence took place on 01.12.2021 and the parties compromised on 02.12.2021 (Annexure-2 of the memo of appeal). Thereafter, the informant/respondent no.2 gave his fardbeyan before the police on 12.12.2021 where he has stated that the occurrence took place on 01.12.2021 and the official has not complied the said order, therefore, he gave the present fardbeyan before the police but the F.I.R. for the occurrence was lodged on 05.01.2022 i.e. after a delay of more than one month and there is no plausible explanation regarding the delay in



lodging of the FIR and the same casts serious doubt about the prosecution case. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail and submits that from perusal of the F.I.R. itself, it is clear that the appellant has abused the informant by taking caste name.

Considering the facts and circumstances of the case and the delay in lodging the F.I.R. of more than one month, the appellant named above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Gurua P.S. Case No.08 of 2022, 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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