

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1714 of 2022

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

SHANKAR ROY Son of Late Shatrudhan Roy Resident of village - Birpur,
P.S.- Jurawanpur, Distt.- Vaishali.

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deepak Kumar Singh, Advocate
For the Informant	:	Mr. Makardhwaj Upadhyay, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 10-11-2022 Heard learned counsel appearing for the appellant,

learned counsel for the informant as well as learned Special

Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 29.04.2022 in A.B.P. No. 1283 of 2022 passed by the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 30 of 2022 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(1) (a) (r) of SC/ST Act, 1989

As per prosecution case, in brief, is that the accused persons including the appellant abuse the informant with caste



name and they surrounded *gamcha* on the neck of her husband and started *tightning* from both sides, due to which he suffocated and fell down. It is further alleged that the informant went to save her husband, Bhawan Ray slammed her on the ground with bad intention and tore her *saree and blouse* due to which she became unclothed.

Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence has been alleged is 18.02.2022 but the present F.I.R. has been instituted on 14.03.2022 after the delay of 26 days without giving explanation of delay. He further submits that there is no specific allegation of assault or any overt act against the appellant and the present occurrence has been alleged in the F.I.R. did not take place within public view and so there is no case made out under the SC/ST Act against the appellant and also there is no case made out under Section 354 of the Indian Penal Code against the appellant.

Learned counsel appearing for the informant as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for anticipatory bail of the appellant on the ground that the appellant is named named in the



F.I.R and also the appellant carries one more case other than the present one.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Hence, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Jurawanpur P.S. Case No. 30 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along with other following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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