

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2118 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- SC/ST District- Araria

Mehruddin Ansari @ Bachhu Ansari S/O Late Poshan Ansari Resident Of
Village- Rampur Uttar, Ward No.06, Police Station- Forbesganj, District-
Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anju Devi Wife of Lal Bahadu Paswan Resident of Duwaniya, Palasi, P.S.-
Narpatganj, Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arun Kumar Mandal, Advocate
For the Respondent/s	:	Mr. Ajay Kuamr Mishra, Advocate
For the State		Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

- 3 13-10-2022 Heard Mr. Arun Kuamr Mandal, learned counsel for
the appellant and MR. Ajay Kumar Mishra, learned counsel
for respondent no . 2 as well as learned SPP for the State.

Supplementary affidavit has been filed on behalf of
the appellant stating therein that on account of inadvertence, the
correct position of criminal antecedent of the appellant could
not be mention in the main petition. It is submitted that the
appellant is involved in two other criminal cases.

The present appeal under Section 14(A) (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter referred to as the SC/ST Act) is
preferred against the order dated 18.05.2022 passed by the



learned Special Judge SC/ST Araria in connection with Araria SC/ST P.S.Case No. 37 of 2021 instituted for the offence under Sections 341, 323, 354B, 504 of the Indian Penal Code and section 3(2) (va) of SC/ST Act whereby prayer for bail of the appellant has been rejected.

The allegation against the appellant is that on 05.07.2021 at about 2.30 pm while the informant was doing some labour work in the meantime, appellant caught hold her and outraged her modesty and also tried to commit rape on her.

Learned counsel appearing on behalf of the appellant submits that from the FIR, it would be evident that the occurrence took place on 05.07.2021 however the present FIR has been instituted on 02.08.2021 after delay of almost 27 days but no plausible reason has been assigned . He further submits that the reason behind the said occurrence is that the appellant used to sale and purchase soil and on the request made by the informant/ respondent no. 2 ten trailer of soil was unloaded on her field and there was some outstanding dues and on account of demand being made by the appellant, the present case has been instituted on the instigation of some unscrupulous persons. However later on, good sense prevailed between the parties and they have compromised the matter.



On the other hand, learned counsel for the informant does not confront the submissions made on behalf of the appellant.

Learned Special Public Prosecutor for the State opposed the prayer for bail of the appellant and submits that specific allegation has been levelled against the appellant.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR as also the fact that the appellant is in custody since 29.04.2022, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -I cum Special Judge SC/ST Araria in connection with Araria SC/ST P.S.Case No. 37 of 2021, subject to the condition that one of the bailors will be the close relatives 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 18.05.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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