

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3261 of 2021**

Arising Out of PS. Case No.-410 Year-2019 Thana- BARHARIA District- Siwan

SAHNAWAZ MANSOORI @ SAHNAWAJ ALAM MANSOORI S/o Late
Taj Mohhamad @ Taj Mahamad R/o Village- Safi Chapra, P.S.- Barharia,
District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Babunti Devi Dilip Ram R/o Village-Safi Chapra, P.S.-Barharia, District-Siwan.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ajay Kumar Pandey, Advocate
For the State	:	Ms. Usha Kumari 1, Special P.P.
For Res. No.2	:	Mr. Udit Narayan Singh, Advocate Mr. Gajendra Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

- 3 17-10-2022 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel
appearing on behalf of the informant.

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 of anticipatory bail vide order dated
07.01.2020, passed by learned Additional Sessions Judge-1st-
cum-Special Judge, Siwan in connection with Barharia P.S.
Case No.410 of 2019, registered under Sections 341, 342, 323,
324, 354, 504, 379 and 34 of the Indian Penal Code and



Sections 3 (i)(r)(s) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that allegation of abusing the informant by naming her caste is against all the accused persons. The specific allegation against the appellant is under Sections 354 and 379 of the Indian Penal Code. It is further submitted that the occurrence took place on 17.11.2019, but the FIR was lodged on 22.11.2019, after four days of the occurrence without giving any explanation, which creates a serious doubt on the prosecution case.

Learned Special P.P. for the State as well as the learned counsel for the informant opposed the prayer for anticipatory bail of the appellant.

Having considered the fact that there is delay in lodging the FIR, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Barhariya P.S. Case No.410 of 2019, subject to the conditions 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.)

Sanjay/-

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