

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2261 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- MAHILA PS District- Gopalganj

Mannu Kumar Son Of Buchun Prasad R/O- Koini Bazaar, P.S.- Manjhagarh,
District- Gopalganj, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Reema Kumari D/O Lal Bahadur Ram R/O- Koini Bazaar, P.S.- Manjhagarh,
District- Gopalganj, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sumit Shekhar Pandey, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 28-09-2022 1. Heard learned counsel for the appellant and

learned Special P.P. for the State as well as appearing on behalf

of the informant, on point of admission and on merit also.

2. The appellant has preferred the present appeal
under Section 14A(2) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against
the order dated 13.05.2022 passed by the learned Additional
Sessions Judge-3rd-cum-Special Judge, SC/ST Act, Gopalganj,
in connection with Mahila P.S. Case No. 03 of 2022 registered
under Sections 341, 342, 376 and 511 of Indian Penal Code and
Section 3(i)(w)(i) and 3(2)(va) of the SC/ST Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2, served upon and duly represented.

5. Learned counsel for the appellant submitted that filed a supplementary affidavit dated 14.09.2022 regarding Para-3 of the present appeal, where appellant soon involved in two(2) criminal cases.

6. Appellant is named in F.I.R. and is in custody since 07.04.2022.

7. The allegation against the appellant is to commit sexual assault upon informant/victim.

8. Learned counsel for the appellant submitted that appellant has falsely been implicated in the present case due to previous enmity arises out of local disputes and differences. It is submitted that present FIR was lodged after delay of two (2) days without any just explanation. It is further submitted that as it appears from the FIR, as appellant left place of occurrence on his own without any intervening circumstances, hence the act cannot be said as an attempt. It is also submitted that from the face of FIR itself, nothing can be gathered which may suggest that act of the appellant fails under the meaning of atrocity of



the Act. While concluding the argument, it is submitted that investigation in this case is complete for which charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

9. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

10. Learned Special P.P. for the State duly assisted by learned counsel for the informant, oppose the prayer of bail

11. In view of the facts and circumstances, as mentioned above, as appellant left place of occurrence on his own, without any intervening circumstances, as it appears from the face of FIR itself, coupled with the fact charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Mahila P.S. Case No. 03 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd-cum-Special Judge, SC/ST, Gopalganj/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.



12. Accordingly, impugned order dated 13.05.2022 is
set aside.

13. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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