

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3231 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- RAGHOPUR District- Vaishali

ARVIND SINGH S/o Sitaram Singh Resident of Village- Jahangirpur, P.S.-
Raghopur (Rustam O.P.), Dist- Vaishali.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashish Kumar Ranjan, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

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 for **anticipatory bail** vide order dated 20.08.2022 in A.B.P. No. 2413 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Raghopur (Rustam O.P.) P.S. Case No. 197 of 2022 registered for the offences punishable under Sections 341, 323, 447, 379, 504, 506, 354 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) of the SC/ST Act.

Learned counsel for the appellant submits that appellant is a person with clean antecedent, he is a senior citizen



aged about 60 years and the informant alleges that while he was returning home, the accused persons, including the appellant, abused him by taking his cast name and entered his house and outraged the modesty of his wife and daughter-in-law and snatched Rs. 2,000/- and chain from him.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case, it is next submitted that the date of occurrence is 22.06.2022 and the FIR was instituted on 24.06.2022 i.e., after a delay of two days without any plausible explanation, it is also submitted that the allegations are general and omnibus in nature and the FIR does not even remotely disclose that the occurrence of hurling abuse was witnessed by anyone. Learned counsel further submits that as far as allegation of outraging the modesty of informant's wife and daughter-in-law is alleged, the same is alleged to have taken place in the house of the informant which was also not in public view and the said allegation is ornamental in nature to give a serious colour to the case, further it is submitted that the appellant who has remained a person with clean antecedent for 60 years all of a sudden has been made a criminal based on general and omnibus allegation.

Learned Spl. P.P. for the State opposes the prayer for



anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 20.08.2022 in A.B.P. No. 2413 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Raghapur (Rustam O.P.) P.S. Case No. 197 of 2022 is hereby set aside and the 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 anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Raghapur (Rustam O.P.) P.S. Case No. 197 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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