

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3133 of 2022
In
CRIMINAL MISCELLANEOUS No.36046 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- NAGAR District- Vaishali

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SURAJ RAY Son of Singeshwar Ray R/V- Jadhua (Makdum Chisti) Ward
No. 34, P.S Hajipur Town Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabitri Devi Wife of Bijay Paswan R/V- Ramchoura, Ward no. 12, P.S- Town
Hajipur, Dist- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manohar Prasad Singh, Advocate
For the Respondent/s : Ms.Usha Kumari I, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-12-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State, 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 09.05.2022 passed by the learned Special Judge,
SC/ST, Vaishali at Hajipur, in connection with Hajipur Town
P.S. Case No. 56 of 2022 registered under Sections 363, 365,



366(A) and 34 of Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

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

4. Spl. P.P. has submitted that information has been given to informant/Respondent no.2 in terms of direction vide order dated 16.11.2022, but failed to join the present proceeding.

5. Appellant is named in F.I.R. and is in custody since 06.04.2022.

6. The allegation against the appellant is to kidnap the minor daughter of the informant, for the purpose of illicit intercourse.

7. Learned counsel for the appellant submitted that the present implication is due to misconception of fact as daughter of the informant, having love affairs with the appellant. It is submitted that victim is aged about 18 years and she appears major, where she completely denied the occurrence of kidnapping and rape, while making her statement as recorded under Section 164 of the Cr.P.C. It is submitted that nothing surfaced from bare perusal of the F.I.R., which may suggest, on its face, that the act of appellant attract atrocities within the



meaning 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.

8. 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.***

9. Learned Special P.P. for the State opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as victim negates occurrence of kidnapping and sexual assault, while recording her statement under Section 164 of the Cr.P.C., let the appellant, above named, is directed to be released on bail in connection with Hajipur Town P.S. Case No. 56 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 Special Judge-SC/ST, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 09.05.2022 is



set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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