

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4608 of 2021

Arising Out of PS. Case No.-316 Year-2020 Thana- GAIGHAT District- Muzaffarpur

LAKHINDRA SAHNI S/o Ram Pravesh Sahni R/o Village- Mohammadpur
Sura Tola, P.S.- Gaighat, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/o Vinod Ram R/o Village- Mohammadpur Tola Naya, P.S.-
Gaighat, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajiv Kumar, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr.Dhaneshwar Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-05-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

Learned counsel for the appellant undertakes to remove
the defects as pointed out by the office, within four weeks of
resumption of normal court proceedings. In the eventuality of
non-removal of defects within stipulated period, the office will
place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 28.10.2021, passed by



learned Additional Sessions Judge -III-cum- Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Gaighat P.S. Case No.316 of 2020, registered u/s 376, 511, 447, 448, 354(B), 323, 506 of the IPC and section 3(i)(xii) SC/ST Act.

Allegedly, the appellant tried to outrage her modesty and also assaulted her son but somehow she managed to escape.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case on account of a dispute between the parties. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is an unexplained delay of five months in lodging the present case which creates doubt about the prosecution case. It is further submitted that prior to the lodging of the F.I.R. a hot discussion has taken place between the parties relating to quarrel of their children. The appellant has no criminal antecedent and has been languishing in custody since 09.10.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is a direct allegation against the appellant.

In the facts and circumstance of the case, considering the



delay in lodging the F.I.R., the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -III-cum- Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Gaighat P.S. Case No.316 of 2020.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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