

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3606 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- DORIGANJ District- Saran

DILIP KUMAR @ DILIP RAI Son of Panchmi Rai R/O village- Singhi, P.O-
Mehruli, P.S- Doriganj and the district of Saran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sachchita Nand Manjhi S/O Late Badari Manjhi R/O village- Singhi , P.O-
Mehrauli, P.S- Doriganj and the district of Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shiv Shankar Prasad Yadav
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-12-2022 Heard learned counsel for the parties.

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 28.09.2022, passed by learned Special Judge (SC/ST), Saran at Chhapra-cum-Additional District and Sessions Judge, 3rd, (Saran) in connection with Doriganj P.S. Case No.174 of 2022, registered under Sections 341, 342, 323, 354(B), 504 and 506 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 submitted that the appellant has got no



criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the occurrence took place on 07.06.2022, but the FIR was lodged on 11.06.2022 after delay of four days without giving any explanation which creates a serious doubt on the veracity of the prosecution case. It is submitted that the appellant has not abused the informant by naming his caste.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellant by submitting that earlier also the appellant tried to molest the daughter of the informant.

Having considered the fact that no specific overt act is alleged against the appellant that he abused the informant by naming his caste, 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 Special Judge (SC/ST), Saran at Chhapra-cum-Additional District and Sessions Judge, Saran in connection with Doriganj P.S. Case No.174 of 2022, 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.

The learned court below is directed to verify the criminal antecedent of the appellant at the time of accepting the bail bond. If it is found that the appellant has got criminal antecedent, his bail bond shall not be accepted by the learned court below.

(Anjani Kumar Sharan, J)

Sanjay/-

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