

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4393 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- TANDWA District- Aurangabad

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1. Jitendra Singh Son of Kedar Singh Resident of Village - Bajarwan, P.S.- Tandwa, Saratu, District- Aurangabad
 2. Abhishek Singh @ Abhishek Kumar Singh @ Raju Kumar Singh Son of Jitendra Singh Resident of Village - Bajarwan, P.S.- Tandwa, Saratu, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarita Devi Sri Akhishes Paswan Village-Bajarwan,P.S-Tandwa,District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 07-04-2022 Heard learned counsel for the parties.

Notice has been validly served upon the respondent no. 2, as per service report but no one has appeared on his behalf.

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 30.07.2019, passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Aurangabad in connection with Tandwa P.S. Case No. 20 of 2019, registered under Sections 447, 354A, 504, 506/34 of the IPC and Sections 3 (i) (r) (s) of the SC/ST Act.

Appellants are said to have tried to enter into the house of the informant for outraging her modesty.

It is submitted by learned counsel for the appellants that



the appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that occurrence took place in the house of the informant which is not public place, therefore, SC/ST Act is not applicable against him. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Aurangabad in connection with Tandwa P.S. Case No. 20 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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