

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.556 of 2023

Arising Out of PS. Case No.-460 Year-2022 Thana- NARHATT District- Nawada

SIKANDAR KUMAR @ UMESH GOSWAMI @ SIKO Son of Late
Surendra Goswami R/o Narhat, Near Allahabad Bank, P.S.- Narhat, District-
Nawada

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. PRITI KUMARI D/o Dinesh Chaudhary R/o Narhat, Near Allahabad Bank,
P.S.- Narhat, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Office has pointed out that the notice has been
validly served upon respondent no. 2, but nobody appeared on
behalf of the respondent no. 2.

3. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 19.12.2022 passed by learned Additional
Sessions Judge-cum-Special Judge-VIth (POCSO ACT),
Nawada, in connection with Narhat P.S. Case No. 460 of 2022



registered under Sections 376 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant is said to have tried to outrage the modesty of the informant and on halla she was threatened of dire consequences.

5. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that the occurrence took place on 24th June 2015 and the F.I.R. was lodged on 28.10.2022 after delay of more than seven years and there is no explanation regarding the delay, which creates serious doubt on the prosecution case. Appellant has got one antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that there is delay of more than seven years in lodging the F.I.R., let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge-VIth (POCSO ACT), Nawada, in connection with Narhat P.S. Case No. 460 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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