

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.528 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- JALALPUR District- Saran

RAJA SAH Son of Late Chhotelal Sah @ Chhotan Sah Resident of Village-
Inamipur, P.S.- Jalalpur, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amitabh Ram son of Deochand Ram Resident of vill- Inamipur, P.S.-
Jalalpur, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order of this Court, informant was
informed about his appearance in this appeal by the learned
Spl.P.P. for the State but nobody appears on his behalf.

3. At the very outset, learned counsel for the appellant
submits that in the order dated 15.03.2023, the name of
respondent no.2 in the cause-title portion has been wrongly
mentioned as 'Raja Sah' in place of Amitabh Ram. As such, he
prays to correct the same.

4. Having gone through the order dated 15.03.2023, it is
evident that inadvertently the name of respondent no.2 has been



mentioned as Raja Sah.

5. Accordingly, the order dated 15.03.2023 is modified to the extent that the name of respondent no.2 be read as 'Amitabh Ram'.

6. Office is directed to correct the name of respondent no.2 in the cause-title.

7. Order dated 15.03.2023 is rectified to the extent as indicated above.

8. 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 for anticipatory bail vide order dated 30.10.2021, passed by learned Additional Sessions Judge-cum-Spl. Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Jalalpur P.S. Case No.116 of 2021, registered under sections 457, 354, 354(A), 354(B) of the IPC and sections 3(1)(w)(ii) of the SC and ST Act.

9. Prosecution case in brief is that the appellant entered into the house of the informant and tried to outrage the modesty of the informant's wife. On alarm, villagers came there and closed the appellant inside the house.

10. It is submitted by learned counsel for the appellant that



the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that the alleged occurrence is said to have taken place on 26.05.2021 but the F.I.R. was lodged on 01.06.2021 i.e. after a delay of six days and no plausible explanation has been given regarding the delay, which creates doubt about the prosecution case. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellant to abuse the informant or his wife by taking her caste name. It is further submitted that earlier the appellant filed a case against the informant and other co-accused, thereafter, the present case was lodged by the informant against the appellant. Appellant has no criminal antecedent.

11. Learned Spl. PP for the State opposed the prayer for bail.

12. Considering the facts and circumstances of the case and the delay in lodging the F.I.R., the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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-cum- Spl. Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Jalalpur P.S. Case No.116 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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