

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.779 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- SC/ST District- Patna

PRAMOD RAI S/O BABU LAL R/o village/Town- Rahimpur, P.S.- Athmal
Gola, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Aprajita, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Vishwa Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

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 for anticipatory bail vide order dated 17.11.2022 in A.B.P. No. 7605 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with SC/ST P.S. Case No. 23 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 354(B, 379, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.



The informant alleges that accused persons including the appellant were annoyed by the celebration of her granddaughter's marriage and thus abused and assaulted her grandson.

The learned counsel for the appellant submits that appellant has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that no specific allegation is alleged against the appellant rather specific allegation of assault is against Vivek. It is next submitted that date of occurrence is 15.06.2022 and the FIR came to be instituted on 21.06.2022 i.e., after a delay of six days which amply demonstrates that the FIR was instituted by way of after thought.

Learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the appellant but are not in a position to rebut the submission of the learned counsel for the appellant that there was delay in instituting of the FIR and there is no specific allegation of assault against the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 17.11.2022 in A.B.P. No. 7605 of 2022 passed by the learned 1st Additional Sessions



Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with SC/ST P.S. Case No. 23 of 2022 is hereby set aside and the 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 anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with SC/ST P.S. Case No. 23 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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