

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.668 of 2022**

Arising Out of PS. Case No.-197 Year-2021 Thana- KONCH District- Gaya

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ANGURA SINGH @ NEERAJ KUMAR SON OF ARVIND SINGH @
MUNNA SINGH R/O VILLAGE- SHANKAR BIGHA, P.S.- KONCH,
DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. PRATIMA KUMARI D/O- KARU PASWAN @ JITENDRA PASWAN R/O
VILLAGE- RAUNA, P.S.- KONCH, DISTRICT- GAYA

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 23.11.2022, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

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
25.01.2022, passed by learned Exclusive Special Judge, SC/ST
Act (POA) Act, Gaya in connection with Konch P.S. Case No.



197 of 2021, registered under Sections 354A, 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) (w), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, is that the appellant and other unknown persons pulled the *dupatta* of the informant. On objection, by the informant and her brother, the accused persons assaulted her brother. The appellant snatched gold ornaments from the informant and also abused them by taking caste name.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of seven days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The informant and her brother, both are the daughter and son of *bataidar*, who is ploughing the land of the appellant since long time. The father of the informant has not given share in crop, so the father of the appellant has given land to some other co-



villager. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

In the facts and circumstances of the case as there is a delay in filing the FIR, 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 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 the learned Exclusive Special Judge, SC/ST Act (POA) Act, Gaya in connection with Konch P.S. Case No. 197 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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