

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1109 of 2023**

Arising Out of PS. Case No.-347 Year-2022 Thana- ROSHANGANJ District- Gaya

SANDEEP KUMAR S/o Banwari Yadav R/o Village- Salaiya, P.S.- Sherghati,
Distt- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kaushalya Devi W/o Late Jaglal Choudhri R/o village- Lemboiya, PS-
Roushanganj, Distt- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Murad Ashraf
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 10-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.03.2023, the learned
Spl.PP for the State informed the informant about the present
case but nobody has entered appearance on 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
20.01.2023 passed by learned Exclusive Special Judge, SC/ST,
Gaya in connection with Roushanganj P.S. Case No.347 of
2022, registered under Sections 341, 323, 354, 504, 506 of the



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

The allegation against the appellant is that he alongwith other persons tried to took away the daughter of the informant with an intention to rape her and kill her. The appellant abused the daughter of the informant by caste name and also threatened to kill her and her family members. It is alleged in the FIR, that the informant heard the voice of her daughter and saved her from being raped.

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 due to enmity. 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. There is no specific overt act against the appellants. He further submits that the parties have compromised and the compromise petition is enclosed in Annexure-2 series of the memo of appeal. 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 compromise between the parties, 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 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, Gaya in connection with Roushanganj P.S. Case No.347 of 2022, 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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