

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1099 of 2023

Arising Out of PS. Case No.-44 Year-2021 Thana- WAJIRGANJ District- Gaya

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1. PAPPU PRASAD YADAV @ SUNIL PRASAD @ PAPPU YADAV @ PAPPU PRASAD S/O Bhavani Prasad R/O Village- Kusumhar, P.S- Wazirganj, District- Gaya
 2. Kedar Yadav S/O Vajir Yadav @ Ojir Yadav R/O Village- Kusumhar, P.S- Wazirganj, District- Gaya
 3. Anuj Kumar @ Anuj Yadav @ Anoj Yadav S/O Vijay Prasad @ Vijay Yadav R/O Village- Kusumhar, P.S- Wazirganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanju Manjhi S/O Dhiran Manjhi R/O Village- Kusumhar, P.S- Wazirganj, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2023 Heard learned counsel for the appellants 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 his 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



Act, Gaya in connection with Wazirganj P.S. Case No.44 of 2021, registered under Sections 341, 323, 354, 385, 504, 506, 379, 34 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 appellants is that they alongwith other co-accused persons abused the informant by taking caste name and assaulted her and tried to outrage her modesty.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. There is an inordinate delay of more than three months in the lodging of FIR, without giving any credible explanation regarding the said delay which creates a serious doubt over the genuineness of the prosecution story. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

Having regard to the facts and circumstances of the case



as there is a delay in lodging of F.I.R., let the above named appellants, in the event of their 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) **each** with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with Wazirganj P.S. Case No.44 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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