

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1352 of 2023

Arising Out of PS. Case No.-628 Year-2022 Thana- BAGHA District- West Champaran

AWADHESH PATEL SON OF BHABHIKHAN PRASAD @
BHABHIKHAN PATEL, RESIDENT OF VILLAGE - PATHKHAULI,
WARD NO. 2, PS- BAGAHA (PATHKHAULI), DISTRICT- WEST
CHAMPARAN.

... .. Appellant/s

Versus

1. The State of Bihar
2. JYOTI DEVI WIFE OF BHANU RAM RESIDENT OF VILLAGE-
PATHKHAULI, WARD NO. 2 PS- BAGAHA, DIST- WEST
CHAMPARAN.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kr Singh No. 1
For the Respondent/s	:	Usha Kumari 1
		Mr. Anant Kumar Mishra
		Mr. Niraj Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-05-2023 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as the

learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the

appellant under Section 14 (A) (2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting

aside the order dated 04.02.2023 passed by the learned

Additional District and Sessions Judge-I-cum-Special Judge (SC



& ST), Bettiah, West Champaran in connection with Bagaha (Pathkhauli) P.S. Case No. 628 of 2022, registered for offence punishable under sections 147, 149, 354(B), 376, 511, 380, 452, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3(2)(va) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, the appellant and other accused persons entered into the house of the informant. They assaulted her and outraged her modesty and also abused her by calling her caste name. The allegation against the appellant is that he was having illicit relation with sister-in-law (Dayaden of the informant) and the cause of occurrence is that the informant/complainant protested his relationship with her sister-in-law.

The learned counsel for the appellant has submitted that the appellant is innocent and all other accused persons were exonerated by the Investigating Authorities and they were not sent up for trial. The charge-sheet was submitted against the appellant for the allegation that he was having illicit relation with sister-in-law of the informant.

On the other hand, the learned counsel for the informant has opposed the prayer for bail.



Considering the above-mentioned facts and circumstances as well as the nature of allegation and the period of custody, which is near about three months, the appeal is allowed and the impugned order dated 04.02.2023 is set aside.

Accordingly, the appellant is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge (SC & ST), Bettiah, West Champaran in connection with Bagaha (Pathkhauri) P.S. Case No. 628 of 2022.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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