

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1388 of 2023**

Arising Out of PS. Case No.-121 Year-2021 Thana- DAUDPUR District- Saran

Rajnish Kumar Tiwari Son Of Sant Kumar Tiwari Resident Of Village -
Jaitpur, P.S. - Daudpur, Distt. - Saran.

... .. Appellant

Versus

1. The State of Bihar
2. Purnima Devi Wife Of Dhananjay Sah Resident Of Village - Jaitpur, P.S. -
Daudpur, Distt. - Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
17.05.2023 but nobody appeared on behalf of the respondent
no.2.

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 06.02.2023 passed by learned SC/ST/MP/MLA
Judge-cum-Additional Sessions Judge 3rd, Saran in connection
with Daudpur P.S. Case No. 121/2021, registered under Sections
341, 323, 427, 504 and 506/34 of the Indian Penal Code and



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

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The occurrence took place on 02.05.2021 but FIR lodged on 03.06.2021 after a delay of 32 days and there is no any explanation about it which creates serious doubt about the prosecution case. As per F.I.R the alleged occurrence took place inside the house which is not in public view and as such the SC/St Act is not application in the instant case. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

Considering the delay in filing of the present F.I.R., 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 enlarged 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 learned SC/ST/MP/MLA Judge-cum-Additional Sessions Judge 3rd,



Saran in connection with Daudpur P.S. Case No. 121/2021,
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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