

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1423 of 2023

Arising Out of PS. Case No.-640 Year-2022 Thana- BIDUPUR District- Vaishali

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NARESH RAI @ NARESH KUMAR SON OF LATE RAMJEE RAI
RESIDENT OF MOHALLA - DOGRA CHOWK, P.S. - MAHUA, DISTT. -
VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. AMARJEET PASWAN SON OF FUDENI PASWAN RESIDENT OF
VILLAGE - KALYANPUR, P.S. - BIDUPUR, DISTT. - VAISHALI AT
PRESENT CHAUKIDAR IN BIDUPUR POLICE STATION
(INFORMANT)

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs. Vaishnavi Singh
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Hemant Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 05-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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
24.02.2023 passed by learned Special Judge (SC/ST Act),
Vaishali at Hajipur in connection with Bidupur P.S. Case No.
640 of 2022, registered under Sections 341, 447, 323, 353, 504,
506, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Allegedly, after some altercation, appellant is said to have abused the informant by taking his caste name and assaulted him brutally due to which he sustained injury.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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 ulterior motive. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. No person got injured. There is admitted political dispute between the parties. He further submits that the occurrence took place on 30.11.2022 at around 11:30 P.M. but he lodged the FIR on 02.12.2022. There is inordinate delay in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature moreover it is in the night at around 11:30 PM and cannot be said to be in public view. Hence, no offence under SC/ST Act is made out against the



appellant. She further submits that similarly situated co-accused has been granted bail by this Court in Cr. App (SJ) No.1520 of 2023 vide order dated 17.05.2023. 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 delay in lodging the FIR and no person got injured, 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 Special Judge SC/ST Act, Vaishali at Hajipur in connection with Bidupur P.S Case No. 640 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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