

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1466 of 2023

Arising Out of PS. Case No.-71 Year-2022 Thana- ROSHANGANJ District- Gaya

ABHISHEK KUMAR SON OF RAMSHWARUP CHAUDHARY
RESIDENT OF VILLAGE - BIHARGAIN, P.S. - RAUSHANGANJ, DISTT.
- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUKUMARI DEVI WIFE OF AJAY MANDAL RESIDENT OF VILLAGE
- BIHARGAIN BHUINTOLI, P.S. - RAUSHANGANJ, DISTT. - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State but in spite of valid service of notice none is present on behalf of respondent no.2.

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 15.02.2023 passed by learned Special Judge (SC/ST Act), Gaya in connection with Raushanganj P.S. Case No. 71/22 registered under Sections 341, 323, 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.



4. The appellant in association of other co-accused is said to have abused and assaulted the informant.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of 11 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case, 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), Gaya in connection with Raushanganj P.S. Case



No. 71/22, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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