

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1468 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- KHUSRUPUR District- Patna

BIRJU SINGH @ BRIJU SINGH Son of Late Dularchand Singh R/V- Tilhar,
P.s- Khusrupur, Dist- Patna (bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kr Singh No.1, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the appellant and learned
Spl. P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.01.2023 in A.B.P. No. 7698 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Khusrupur P.S. Case No. 105 of 2022 registered for the offences punishable under Sections 341, 323, 504, 354, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(ii)(v-a) of the SC/ST Act.

Learned counsel for the appellant submits that the



appellant has antecedent of one case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that there is no allegation against appellant of giving threat rather the informant alleges that the appellant hold her hand while Munna sat on her and misbehaved as alleged in the FIR.

Learned counsel for the appellant submits that the appellant being father of Munna came to be implicated with an allegation that he was holding one of her hands, it is further submitted that even presuming what has been alleged is true without admitting then the FIR does not remotely suggest that the occurrence was witnessed by any person, as such, the same was not committed in public view which does not attract the SC/ST Act.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 06.01.2023 in A.B.P. No. 7698 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Khusrupur P.S. Case No. 105 of 2022 is hereby set aside and the appellant above-named, in the event of his



arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khusrupur P.S. Case No. 105 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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