

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1503 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Kishanganj

1. Gamori Sah @ Gabhori Sah @ Bahadur Sah @ Bandar Sah Son Of Pairu Sah @ Paparu Sah Resident Of Colony Tola, P.S.- Kodhobari, District - Kishanganj.
2. Rajendra Sah Son Of Papara Sah Resident Of Colony Tola, P.S.- Kodhobari, District - Kishanganj.
3. Rajesh Sah Son Of Rajendra Sah Resident Of Colony Tola, P.S.- Kodhobari, District - Kishanganj.
4. Fekon Sah @ Shiv Narayan Sah Son Of Rajendra Sah Resident Of Colony Tola, P.S.- Kodhobari, District - Kishanganj.
5. Rudal Sah @ Ajay Sah @ Ajay Kumar Sah Son Of Gamori Sah @ Gabhori Sah @ Bahadur Sah @ Bandar Sah Resident Of Colony Tola, P.S.- Kodhobari, District - Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lili Tuddu Daughter of Sunil Tuddu Resident of Colony Tola, P.S.- Kodhobari, District - Kishanganj.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

In view of the earlier order dated 19.04.2023, the informant was informed about her appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on her behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 15.02.2023, passed by learned Additional Sessions Judge 1st-cum-Special Judge Kishanganj in connection with SC/ST P.S. Case No. 01 of 2023, registered under Sections 341, 323, 354, 447, 504, 506/34 of the IPC and Sections 3(i) (r)(s) (wi)/3(2)(va) of SC/ST Act.

Allegation against the appellants is that they assaulted the informant and also abused her by taking caste name.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that occurrence took place on 01.10.2022 but the FIR has been lodged on 24.01.2023 after delay of more than 3 months without explaining any reasonable cause of delay. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

However, learned Special P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge Kishanganj in connection with SC/ST P.S. Case No. 01 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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