

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1592 of 2023**

Arising Out of PS. Case No.-11 Year-2023 Thana- NAANPUR District- Sitamarhi

Satish Kumar @ Santosh Kumar Son Of Ravi Thakur Resident Of Village-
Birar, Ps- Nanpur, Distt- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Nilam Devi Wife Of Sanjay Ram Resident Of Village -BIRAR, Ward No. 08, P.S. Nanpur, Distt. Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 13-10-2023 Despite of valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2.

2. Heard Mr.Santosh Kumar, learned counsel for the appellant and Mrs.Usha Kumari 1, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 16.02.2023 in A.B.P. No.291/2023/08/2023 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST, (POA) Act, Sitamarhi in connection with Nanpur P.S.Case No. 11 of 2023 registered under Sections 341,323,354(B),506,504 of the Indian Penal Code as well as



under Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. The prosecution case, in short, is that the informant alleges that on 31.12.2022 appellant entered into her house with bad intention when the informant was sleeping and began playing with her body on the point of knife. He tried to commit rape upon her and threatened her not to disclose the matter to anyone.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. In fact due to some financial dispute, the informant has filed the present false case against the appellant and it appears from the FIR that the place of occurrence as alleged in the FIR is in the room of the informant and the occurrence had not taken place in the public view so no case is made out against the appellant under the SC/ST Act and as per the allegation in the FIR that the appellant has tried to commit rape upon the informant and the same is false and fabricated and only the informant is not in a position to repay the amount to the appellant so the informant has filed the present false case against the appellant.



6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that from a bare perusal of the FIR it appears that the appellant has tried to commit rape upon the informant and apart from the aforesaid the appellant carries one more case other than the present one but fairly submits that the appellant is on bail in the said case, as mentioned in para-3 of the bail petition.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

8. Hence, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST, (POA) Act, Sitamarhi in connection with Nanpur P.S.Case No. 11 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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