

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1433 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- MAHILA PS District- Gaya

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1. NUPUR DEVI Wife of Siddheshwar Prasad Resident of village - Mocharim, P.S.- Bodhgaya, Distt.- Gaya, Bihar
 2. Chandan Kumar @ Chandradip Kumar Son of Siddheshwar Prasad Resident of village - Mocharim, P.S.- Bodhgaya, Distt.- Gaya, Bihar
 3. Jitendra Kumar @ Banti Kumar Son of Siddheshwar Prasad Resident of village - Mocharim, P.S.- Bodhgaya, Distt.- Gaya, Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Samani Kumari daughter of Tarachand Manjhi resident of village- Siddharth Nagar(Mian Bigha), P.S.- Bodhgaya (Mahila P.S. Gaya), District- Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Brijeshwar Narayan Singh, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Sudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-02-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of respondent no.2.

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 of anticipatory bail vide order dated 05.03.2022, passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Mahila P.S. Case No.38 of 2021, registered under Sections 376, 493, 354(D) and 34 of the Indian



Penal Code, Section 6 of the POCSO Act as well as under Sections 3(i)(r)(s)(w)(i) of the SC/ST Act.

Co-accused, Bablu Kumar is said to have outraged the modesty of the informant. When the informant went to complain at the house of Bablu Kumar, the appellants misbehaved with her and abused her by naming her caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the allegation against the appellants is general and omnibus. The specific allegation is against Bablu Kumar. It is also submitted that the occurrence took place on 21.06.2021, but the FIR was lodged on 13.09.2021, after delay of more than 2½ months.

Learned Special P.P. for the State and learned counsel for the informant opposed the prayer for grant of anticipatory bail to the appellants.

Considering the fact that no specific overt act is alleged against the appellants, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Mahila P.S. Case No.38 of 2021, subject to the conditions 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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