

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1818 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- DANDARI District- Begusarai

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Tufani Singh Son of Late Chandra Bhushan Singh @ Late Jato Singh
Resident of village-Bishanpur, P.S.-Dandari, District-Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Savitri Devi W/o Ramprit Tanti R/o village-Bishanpur, P.S.-Dandari, Dist-Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Chandan Kumar Kashyap, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the Informant/s	:	Mr. Praveen Kumar Agarwal, Advocate
		Mr. Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-06-2023 1. Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel for the informant on point of admission and on merit also.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 22.02.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Dandari P.S. Case No. 33 of 2022 registered under Sections 341,



323, 504, 506, 376 and 511 of the Indian Penal Code.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2, served upon and duly represented.

5. Appellant is named in F.I.R. and is in custody since 27.04.2022.

6. The allegation against the appellant is to rape upon informant/victim after criminal trespass in night to her home, while she was sleeping.

7. Learned counsel for the appellant submitted that the appellant implicated falsely with present case out of neighbourhood disputes and differences. It is also submitted that appellant is in inimical terms with the family of informant/victim and she had not been made instrumental to lodge present false case as revenge, where in fact at the time of occurrence the appellant was available in his house. It is submitted that victim is a married women and living with her husband but from the narration of F.I.R. there is no whispering about presence of her husband at the time of occurrence, suggesting the fact that implication is on the instance of tutoring on behalf of father-in-law of the informant/victim. It is also



submitted that the act of appellant is not of such nature, which may be said to be an atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant found involved in one more criminal case where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

9. Learned Special P.P. for the State duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that the allegation of attempt for rape is specific against this appellant.

10. In view of the facts and circumstances, as mentioned above and by taking note of the nature of accusation coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 27.04.2022, accordingly, the appellant, above named, is directed to be released on bail in connection with Dandari P.S. Case No. 33 of 2022 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 22.02.2023 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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