

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1872 of 2023

Arising Out of PS. Case No.-31 Year-2022 Thana- SC/ST District- Patna

RAM BABU SINGH SON OF LATE TAKRARI SINGH @ RAM SVARUP
SINGH R/O VILL.- KARANJA BERI, P.S.- BIKRAM, DISTT.- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SARITA DEVI WIFE OF SURAT PASWAN R/O BERI, P.S.- BIKRAM,
DISTT.- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lal Babu Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-08-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 22.02.2023 passed by learned Exclusive
Special Court, SC/ST Act, Patna in connection with SC/ST P.S.
Case No.31 of 2022, registered under Sections 354 and other
allied Sections of the Indian Penal Code and Section 3(1) (r)
(s) /3 (2) (va) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. The prosecution case, is that, while the husband of the informant was feeding grass to his buffalo and was passing through the field and banana orchard of one Lala Singh, he caught electrocuted by open electric wire and fell down. It is alleged that when the informant went to the house of Lala Singh to ask money for the treatment of her husband, all the accused persons including the appellant abused her by taking caste name. It is also alleged that the accused persons entered into the house of the informant and assaulted her and misbehaved with her daughter.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of ten days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no specific overt act against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of



appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case as there is no specific overt act against the appellant, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna in connection with SC/ST P.S. Case No.31 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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