

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1930 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- SC/ST District- Sitamarhi

Manjit Kumar Singh @ Manjeet Kumar Singh Son Of Shyam Babu Singh
R/O Village- Narkatiya, Ward No.7, P.S.- Suppi, District- Sitamarhi.

... .. Appellant/S

Versus

1. The State of Bihar.
2. Anita Devi Wife Of Mukesh Kumar Ram R/O Village- Narkatiya, P.S.-
Suppi, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shankar Kumar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP
For the Informant	:	Mr.Ritesh Kumar Narain Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-06-2023 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 23.03.2023 passed by the learned 1st Additional Sessions Judge-Cum-Presiding Officer Children Court, Sitamarhi, in connection with Sitamarhi SC/ST, P.S. Case No. 02 of 2023 registered under Sections 452, 341, 323, 376, 511, 379, 504, 506 of the Indian Penal Code and Sections 3(I) (r)(s) (w)(A)/3(2) (Va) of SC/ST (POA) Act.



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 23.02.2023.

6. The allegation against the appellant is to made an attempt for rape upon the informant/victim while she was sleeping in her house on intervening night of 30.12.2022 after making a criminal trespass.

7. Learned counsel for the appellant submitted that parties are residents of same village and out of local disputes and differences, present false implication was raised. It is submitted that the occurrence is of 30.12.2022 whereas after passing of 10 days, the present FIR was lodged on 09.01.2023 without having any just explanation. It is also submitted that the mobile phone of appellant was misplaced prior to this occurrence and for said misplacing of mobile phone a **Sanha** (Informatory Petition) was given to local police station, which was subsequently found by the family members of victim, and when a demand to return the same was raised by the appellant, present false implication was raised showing the same mobile



left at place of occurrence to strengthen the implication of appellant. It is submitted that nothing surfaced during the course of investigation against the appellant, which may suggest an atrocities within the meaning of Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent, 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 as to attempt of 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, where charge-sheet has already submitted and appellant is in custody since 23.02.2023, accordingly, the appellant, above named, is directed to be released on bail in connection with



Sitamarhi SC/ST, P.S. Case No. 02 of 2023 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 1st Additional Sessions Judge-Cum-Presiding Officer Children Court, Sitamarhi/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 23.03.2023 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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