

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2031 of 2023**

Arising Out of PS. Case No.-20 Year-2021 Thana- SC/ST District- Banka

PANKAJ SHARMA @ PINKU SHARMA Son of Late Shyam Sharma
Resident of village - Kakwara (Sharma Tola), Police Station-Banka, District-
Banka

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GINIYA DEVI Wife of Late Kailash Das Resident of village-Badwasini,
Police Station-Banka, District-Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the parties.

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 for anticipatory bail vide order dated 06.04.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Banka in connection with Banka SC/ST P.S. Case No. 20 of 2021 registered under Sections 376, 323 and 504 of the Indian Penal Code as well as Sections 3(i)(x)4 of the SC/ST Act.

Learned counsel for the appellant submits that appellant is a person with clean antecedent and the FIR came to be instituted against him by the informant under Section 376 of



the Indian Penal Code read with other sections of the Indian Penal Code along with SC/ST Act wherein it was alleged that the appellant has been exploiting the informant for the last one year on the pretext of marriage, further when the informant was coming back after purchasing grocery along with both her daughters and when she reached near the tent house of the accused, the accused persons pulled the informant inside the house and closed the shutter and forcibly committed rape.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case. The police after threadbare investigation submitted final form in favour of the appellant but the learned trial court in a mechanical manner differing with the police report took cognizance. It is further submitted that when one investigating agency after investigating the case found the case to be false, would it prudent to send the appellant to jail at this stage.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the learned 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/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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