

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2123 of 2022

Arising Out of PS. Case No.-41 Year-2020 Thana- SC/ST District- Gopalganj

RAJKISHOR SAHNI Son of Late Thakur Sahni Resident of village -
Salehpur, P.S.- Vishambharpur, District – Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rajkumari Devi Wife of Sajawal Baitha R/o village - Salehpur Dhobi Tola,
P.S.- Vishambharpur, District – Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Satyendra Rai, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Indrajeet Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-02-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel
appearing on behalf of the informant.

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
11.03.2022, passed by learned Additional Sessions Judge-III-
cum-SC/ST Special Court, Gopalganj in connection with
Gopalganj SC/ST P.S. Case No.41 of 2020, registered under
Sections 341, 323, 504, 506 and 34 of the Indian Penal Code
and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act.



The appellant and co-accused, Chandan Sahni are said to have abused the informant by naming her caste. When the informant objected, the accused persons assaulted her.

Learned counsel for the appellant submits that the appellant is innocent and have falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the occurrence took place on 23.11.2020, but the FIR was lodged on 17.12.2020, after delay of 24 days, without giving any explanation, which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for grant of anticipatory bail to the appellant by submitting that there is specific allegation against the appellant that he abused the informant by naming her caste.

Considering the fact that there is delay in lodging the FIR, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged 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 learned Additional



Sessions Judge-III-cum-SC/ST Special Court, Gopalganj in connection with Gopalganj SC/ST P.S. Case No.41 of 2020, 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)

S.KUMAR/-

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