

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2488 of 2023

Arising Out of PS. Case No.-600 Year-2022 Thana- BANIAPUR District- Saran

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1. Ashok Giri Son Of Late Surya Giri Village- Suhaigajan Ps- Baniapur Dist- Saran
 2. Avinash Kumar Giri @ Vikki Giri Son Of Ashok Giri Village- Suhaigajan Ps- Baniapur Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi wife of Mithu Ram Village- Harpur Chatwa, Ps- Baniapur Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harsh Anuj

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 09.08.2023 but nobody appeared on behalf of the respondent no.2.

3. 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 29.04.2023 passed by learned Additional Sessions Judge 3rd Saran at Chhapra in connection with



Baniyapur P.S. Case No. 600/2022, registered under Sections 341, 323, 354(B), 447, 435, 452, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The occurrence took place on 15.12.2022 but the F.I.R. lodged on 22.12.2022. There is delay of seven days in filing of the present FIR and there is no any explanation of it which creates serious doubt about prosecution case. All the incident took place inside the house not in public view hence, no SC/ST Act is made out against the appellants. Appellant no.1 has got two criminal antecedents and appellant no.2 has got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant no.2 abused the respondent no.2/informant by taking caste name.

6. In the facts and circumstances of the case and the fact that all the occurrence took place inside the house and there is delay in filing of the present FIR, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be



enlarged on bail on furnishing bail bonds of Rs. 25,000/-
(Rupees Twenty Five Thousand) each with two sureties of the
like amount each to the satisfaction of learned Additional
Sessions Judge 3rd Saran at Chhapra in connection with
Baniyapur P.S. Case No. 600/2022, 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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