

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2288 of 2022**

Arising Out of PS. Case No.-35 Year-2020 Thana- SC/ST District- Supaul

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1. LALAN SINGH @ LALAN KUMAR Son of Shyam Babu Resident of village - Hilalpur, P.S.- Industrial Area, District - Vaishali.
  2. Kanhai Kumar Singh @ Kahnaiya Bhardwaj Son of Sri Lalan Singh Resident of village - Hilalpur, P.S.- Industrial Area, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjhariya Devi Wife of Radhey Das R/o village and Post - Hilalpur, P.S- Industrial Hajipur, District - Vaishali.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bela Singh  
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      12-04-2023                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 30.11.2022 but nobody appeared on behalf of the respondent no.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 27.05.2022 passed by learned Special Judge



SC/ST, Vaishali in connection with Hajipur SC/ST P.S. Case No. 35 of 2020, registered under Sections 341, 323, 354, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(w), (i), (ab) (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, when the informant went to her village temple, all the accused persons started abusing her. On oppose, Lal Babu Singh ordered to kill her upon which Kanhai Kumar Singh surrounded her neck with Gamacha and started tightening her neck. Lalan Singh pushed her due to which she became unclothed. Lal Babu Singh spitted on her face and prayer disk and assaulted her with fists and legs.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The occurrence took place on 23.06.2020 but FIR lodged on 04.07.2020 there is delay of more than 10 days in filing of the present FIR which creates serious doubt about the prosecution case. There is general and omnibus allegations levelled against the appellants. The main accused of the present case has already been granted anticipatory bail by the Coordinate Bench of this Court vide order dated 17.02.2023 passed in Cr. Appeal (SJ) No. 2438/2022. Appellants have got



no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail.

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, 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 Special Judge SC/ST, Vaishali in connection with Hajipur SC/ST P.S. Case No. 35 of 2020, subject to the condition as 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)**

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