

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2753 of 2023

Arising Out of PS. Case No.-1088 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

MUNNA KUMAR Son of Dinesh Sah Resident of village - Rusulpur
Shahbazpur, ward no. 2, P.S. - Ahiyapur, distt. - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Karishma Kumari D/o Dular Paswan Resident of village - Madhopur
Sarnath, P.S. - Runnisaidpur, Distt. - Sitamarhi. At present resident of village
- Rusulpur Shahbazpur, ward no. 2, P.S. - Ahiyapur, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Brajesh Kumar Singh, Advocate
For the Respondent No.2:		Mr. Santosh Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 06-12-2023 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State assisted by learned counsel for
the respondent no.2.

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
23.05.2023 passed by learned Special Judge (SC/ST Act),
Muzaffarpur in connection with Ahiyapur P.S. Case No. 1088/
2022 registered under Sections 448, 323, 341, 324 & 354B of
the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. The appellant is said to have tried to sexually assault the informant and also slated her in the name of caste.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. It is further submitted that there is no injury report on record to substantiate the prosecution case. It is further submitted that the informant is a bad character lady and do prostitution in the panchayat of the appellant and enticed money from the people. It is further submitted that the informant has lodged this false case taking advantage of her caste but the place of occurrence is not a public place, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 the learned Special Judge



(SC/ST Act), Muzaffarpur in connection with Ahiyapur P.S.
Case No.1088/2022, 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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