

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2366 of 2022**

Arising Out of PS. Case No.-106 Year-2022 Thana- BELAGANJ District- Gaya

Sablam Miyan @ Kamran Son Of Mhd. Sahabuddin R/O Village- Tikkigran
Ujji P.S.- Belaganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Indramani Devi Ganesh Manjhi R/O Village-Ujje, P.S.-Belaganj, District-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar
For the Respondent/s : Ms. Usha Kumari 1

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

7 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Notice has been issued and has been received by the husband of the respondent no. 2. A jointness petition is being filed on behalf of the appellant in which it is stated that respondent no. 2 is living with her husband. So, the notice is validly served on respondent no. 2. Nobody appears on behalf of 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 31.05.2023 passed by learned Exclusive Special Judge SC/ST Act, Gaya, in connection with Belaganj P.S. Case No. 106 of 2022 registered under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code and Sections 3(i)(r) (s) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, when the informant went for natural call, all the FIR named accused including the appellant, caught her with bad intention and tried to outrage her modesty. On raising alarm, her family members came there due to which all the accused persons fled away.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no specific allegation of abusing the informant by taking her caste name. He submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 21.06.2023 passed in Cr. Appeal (SJ) No. 68 of 2023. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for



anticipatory bail.

7. Considering the facts and circumstances of the case, let 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 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 Exclusive Special Judge SC/ST Act, Gaya, in connection with Belaganj P.S. Case No. 106 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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