

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3070 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- FATEHPUR District- Gaya

PARSURAM SINGH son of Late Ram Bisun Singh @ Ram Kishun Singh
Village- Itwan Ps- Fatehur Dist- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Rina Sinha, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 23.08.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

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 06.05.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No. 37 of 2023 registered under Sections 341, 323, 308, 504, 506, 379, 34 of the Indian Penal Code and Section 3(i)



(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, due to previous enmity, all the accused persons including the petitioner came at the informant's house and started abusing. They also assaulted the informant's side with deadly weapons.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. Though there is specific allegation against co-accused Parshuram Singh to assault the injured persons, but no injury report is on record. The Incharge Medical Officer has stated in a report that no injured person was present personally before the doctor. He gave medicines only on the basis of the oral submission of their guardians. There is inordinate delay of 36 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is totally false and based on concocted facts. Hence,



no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, as no injury report is enclosed in the case diary, 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 Exclusive Special Judge (SC/ST Act), Gaya in Fatehpur in connection with Fatehpur P.S. Case No. 37 of 2023, 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)

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