

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3077 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- MAHILA PS District- Gaya

SHAMBHU CHAUHAN son of Triloki Chauhan @ Trilok Dhari Chauhan
Village- Neema Ps- Muffasil Dist-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi wife of Anil Das Village- Neema Ps- Muffasil Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Braj Nandan Kumar Tiwary
For the Respondent/s	:	Ms. Usha Kumari 1
		Mr. Gajendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and 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 04.05.2023 passed by learned Special Judge
SC/ST, Gaya, in connection with Mahila P.S. Case No. 80 of
2022 registered under Sections 376, 341, 354(D)/34 of the
Indian Penal Code, Sections 67/67(A) of I.T. Act and Section
3(i)(r)(s)(w)(i), 3(2)V(a) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.



3. As per the prosecution case, allegation against the appellant that he along with other co-accused persons stopped the way of the informant when she is going to file complaint in police.

4. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is no specific overt act against the appellant. There is specific allegation of committing rape upon the informant is against one Deepu Chauhan. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed payer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, 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 Special Judge SC/ST, Gaya, in connection with Mahila P.S. Case No. 80 of 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)

anand/-

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