

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2748 of 2022

Arising Out of PS. Case No.-305 Year-2022 Thana- ALAMGANJ District- Patna

Manish Kumar, S/O Mahesh Prasad, Resident of village- Bari Patan Devi Road, Near Mandir, Patna City, Sampatchak, Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Muni Devi, W/O Shiv Kumar Tanti, Resident of Bari Patna Devi Road, P.O and P.S.- Alamganj, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikas Ratan Bharti, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for 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 19.07.2022 passed by learned Additional Sessions Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna, in connection with Anticipatory Bail Petition No.3522 of 2022 arising out of Alamganj P.S. Case No. 305 of 2022 registered under Sections 354(A)/(C), 504, 506 of the Indian



Penal Code, Section 8 of POCSO Act and Section 3(1)(r)(s) the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the appellant abused the informant by her caste name and when her daughter came outside the house, he misbehaved with her.

4. It is submitted by learned counsel for the appellant that the appellant is falsely been implicated in the present case. The appellant has clean antecedent as mentioned in para 3 of the memo of appeal. Learned counsel for the appellant submits that the occurrence took place on 03.06.2021 and the FIR was lodged on 09.04.2022 after delay of 10 months. There is no any explanation to the delay of filing the present FIR which creates a doubt on the prosecution case.

5. Learned Special Public Prosecutor for the State and learned counsel for respondent no.2 opposed the prayer for bail application.

6. In the facts and circumstances of the case and perusal of the case record, there is delay of filing the present FIR which is sufficient point to grant anticipatory bail to the appellant, 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 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 Additional Sessions Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna, in connection Alamganj P.S. Case No. 305 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)

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