

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2762 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- OBRA District- Aurangabad

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1. Ranjan Singh Son Of Kuer Singh @ Kunwar @ Kunwar Singh Resident Of Village - Kurahi, P.S.- Obra, Distt.- Aurangabad.
 2. Sudhir Singh Son Of Kuer Singh Resident Of Village - Kurahi, P.S.- Obra, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State Of Bihar
2. SHANTI DEVI W/o Lallan Ram Resident of Village - Jhanjhi Bigha, P.s.- Obra, Distt.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhaskar Shankar
For the State	:	Ms. Usha Kumari 1
For the Respondent No.2:	:	Mr. Purushotam Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023 Heard learned counsel for the appellants, 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 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Obra P.S. Case No. 265 of 2022 registered under Sections 323, 504, 354, 506 of the Indian Penal Code and



Sections 3(i)(r)(s), 3(i)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, when the informant was alone in her house, then appellant no. 1 entered her house, with weapons, with an intention to rape her and caught her hand and abused her. The appellant no. 2 is said to have abused father-in-law of the informant by taking his caste name.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that the occurrence took place on 17.11.2021 and the complaint case was lodged on 07.06.2022, i.e. after delay of seven months and there is no explanation regarding the delay, which creates serious doubt on the prosecution case. Appellant no. 1 has no criminal antecedent and appellant no. 2 has one criminal antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, argument of the parties, perusal of the records and the fact



that there is delay of seven months in lodging the complaint case, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Obra P.S. Case No. 265 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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