

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3303 of 2023**

Arising Out of PS. Case No.-258 Year-2022 Thana- DORIGANJ District- Saran

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JAI NARAYAN SINGH @ VIKKY SINGH @ VIKRAMI SINGH SON OF
LATE OM NARAYAN SINGH R/O-RASALPURA, P.S.-DORIGANJ,
DISTT.-SARAN AT CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. SARMILA DEVI WIFE OF LATE RAMESH KUMAR DAS R/O-
JALALPUR, P.S.-DORIGANJ, DISTT.-SARAN AT CHAPRA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Ram Binod Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.PP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned senior 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, she informed the informant to appear in the present appeal through her counsel, but nobody appears on her 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 20.04.2023 passed by learned Additional Sessions Judge, IIIrd, Saran at Chapra in connection with



Doriganj P.S. Case No. 258 of 2022 registered under Sections 341, 323, 354, 379, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s)(w)/3(ii)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused person including appellant are said to have abused the informant by taking her caste name and assaulted her. They also tried to outrage the modesty of the informant.

5. It is submitted by learned senior counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. The allegation of assault and abuse levelled against the appellant is not specific rather general and omnibus in nature. Though there is allegation against the appellant that he assaulted the informant with *lathi*, but as per the injury report, the injury of the injured is simple in nature. No eye witness has supported the prosecution case. Appellant has three criminal antecedents as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case, as the



injury of injured is simple in nature and there is no specific overt act against the appellant, 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, IIIrd, Saran at Chapra in connection with Doriganj P.S. Case No. 258 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)

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