

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3472 of 2023**

Arising Out of PS. Case No.-334 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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PINKU SHUKLA S/O Amrika Shukla R/O Village- Khajuriya, P.S- Malahi,
Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunarpati Devi W/O Late Rajdeo Paswan R/O Village- Khajuriya, P.S-
Malahi, Distt.- East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 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 20.09.2023, he 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 03.07.2023 passed by learned Special Judge SC/ST Act, East Champaran at Motihari in connection with



Govindganj (Malahi) P.S. Case No. 334 of 2023 registered under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) (w)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the accused persons including the appellant is that they assaulted the informant with feet and fists on her abdomen, chest and tore her clothes with bad intention. Co-accused Pintu Shukla is said to have abused her by taking her caste name.

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. There is case and counter case between the parties. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is specific allegation against co-accused Pintu Shukla that he abused the informant by taking her caste name. There is inordinate delay of six days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case.



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. In the facts and circumstances of the case, as 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 Special Judge SC/ST Act, East Champaran at Motihari in connection with Govindganj (Malahi) P.S. Case No. 334 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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