

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3034 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- SC/ST District- Saharsa

ASHISH KUMAR SINGH @ ASHISH SINGH S/o Shashibhushan Singh R/o
village- Sonpura, Ward No. 10, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi W/o Ranjit Sharma R/o village- Sonpura, Ward No. 08, P.S.-
Bakhtiyarpur, District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Anand
For the State	:	Mr.Binay Krishna
For Respondent 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-03-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State. Despite valid service of notice, nobody
appears on behalf of respondent no. 2.

The present appeal has been filed against order dated
02.08.2022 passed by learned A.D.J. 3rd, Saharsa in SC/ST P.S.
Case No. 10 of 2022 registered for the offence punishable under
Sections 341, 323, 447, 448, 354(b), 379, 504, 506 and 34 of the
Indian Penal Code and Section 3(1)(r)(s)(e)(wi) of the
Scheduled Castes and the Scheduled Tribes (POA) Act (for
short “SC/ST Act”), whereby the prayer for anticipatory bail of
appellant was rejected.

As per F.I.R., on the alleged date and time of



occurrence, all the F.I.R. named accused persons including this appellant, variously armed, abused by caste name and assaulted the informant and her family members. It is further alleged that they also snatched ornaments and money from the informant and her family.

Learned counsel for the appellant submits that from bare perusal of the F.I.R., it is apparent that there is no specific allegation against this appellant. There is case and counter case and present case has been lodged after seven days of the alleged occurrence without there being any plausible explanation of delay. It is not the case of the informant that at the time of occurrence there was any member of the public present and as such, no case under the SC/ST Act is made out. The appellant has got clean antecedent.

The appeal is vehemently opposed by learned Special P.P.

Considering the aforesaid facts and circumstances, the impugned order dated 02.08.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 3rd, Saharsa in SC/ST P.S. Case No. 10 of 2022.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

