

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3149 of 2022**

Arising Out of PS. Case No.-15 Year-2021 Thana- SC/ST District- Araria

PARASH KUMAR JHA @ PARASHNATH JHA S/o Gajendra Jha R/o
Village - Bardha , Brahaman tola, P.s. Sikti, District - Araria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sita Devi W/o Sadanand Paswan vill - Vhir Vhiri, Ward No. 6, P.S. Sikti,
District - Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to
remove the defects within three weeks.

Learned Special Public Prosecutor for the State
informs this Court that he has informed the informant but
nobody appeared on his behalf.

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 04.08.2022 passed by learned Sessions Judge-



Cum-Special Judge, Araria in connection with SC & ST P.S. Case No. 15/2021 registered under Sections 341, 323, 354-B, 504, 379, 506 and 34 of the Indian Penal Code and Section 3(2), (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellant submits that the appellant has no concern with the aforesaid occurrence. He submits that the occurrence took place on 01.03.2021 but FIR lodged on 09.03.2022 after a delay of about 8 days and there is no any explanation for the delay in filing of the present FIR which creates serious doubt about the prosecution case. He further submits that earlier the co-accused Bimal Kumar Sah has instituted prior police case bearing Sikti P.S. Case No. 39/2021 against the husband of the informant thereafter, the present case is filed by the informant. He further submits that there is no allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abused the informant by taking caste name.



In the facts and circumstances of the case and the fact that there is delay in filing of the present FIR, 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 enlarged 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 learned Sessions Judge-Cum-Special Judge, Araria in connection with SC & ST P.S. Case No. 15/2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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