

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4522 of 2021**

Arising Out of PS. Case No.-209 Year-2021 Thana- BIDUPUR District- Vaishali

Lalu Rai @ Lalu Kumar @ Jai Kant Kumar @ Jai Kant Son of Babulal Rai
Resident of Village- Paharpur, P.S.- Raghapur, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Akali Devi Wife of Rambachan Das R/o vill- Gokhulpur P.S.- Bidupur Dist
Vaishali.

... .. Respondent/s

Appearance :

For the Appellant : Mr. Sudish Kumar, Advocate
For the State : Ms. Usha Kumari 1, Special P.P.

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

4 21-02-2023 At the outset, learned counsel for the appellant seeks
permission to make correction in paragraph-1 of the memo of
appeal.

Permission is accorded.

Learned counsel for the appellant is directed to make
correction in paragraph-1 of the memo of appeal in course of the
day.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special P.P. for the State informs this Court that
she has informed the informant of the case and *Vakalatnama* has
already been filed on her behalf, but today nobody appears for the
informant.



This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 17.09.2021, passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Hajipur, Vaishali in connection with Bidupur P.S. Case No.209 of 2021, registered under Sections 341, 323, 379, 354(B), 448, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)/2(v/a) of the SC/ST Act.

The appellant alongwith other co-accused persons are said to have entered into the house of the informant and tried to outrage the modesty of the informant and her two daughters. It is alleged that the accused persons snatched Mangalsutra from the daughter of the informant. The accused persons also took Rs.80,000/- kept in the trunk. It is also alleged that the accused persons took away ornaments from the house of the informant and abused the informant by naming her caste.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that no specific overt act is alleged against the appellant rather the allegation is general and omnibus. It is



submitted that occurrence took place on 02.04.2021, but the FIR was lodged on 20.04.2021 after delay of eighteen days without giving any explanation which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellant.

Having considered the facts aforesaid, let appellant, above named, 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 1st Additional District & Sessions Judge-cum-Special Judge, Hajipur, Vaishali in connection with Bidupur P.S. Case No.209 of 2021, subject to the conditions 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)

S.KUMAR/-

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

