

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4530 of 2021**

Arising Out of PS. Case No.-447 Year-2021 Thana- AKBARPUR District- Nawada

SHATRUGHNA SINGH @ SHATRUDHAN KUMAR Son of Indradev
Singh Resident of Village - Itwa, P.S.- Akbarpur, District - Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. sima kumari wife of Nawal Kumar resident of village- Itwa, P.S.- Akbarpur,
District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar
For the Respondent/s : Mrs. Usha Kumari 1

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

4 12-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 23.11.2022, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her 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
13.09.2021, passed by learned Special Judge (SC/ST Prevention
of Atrocities Act)-cum-First Additional District and Sessions



Judge, Nawada, in connection with Akbarpur P.S. Case No. 447 of 2021, registered under Sections 341, 323, 354A, 504, 506 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in short, is that the appellant threatened to commit rape with the informant and also abused her by taking caste name.

It is submitted by learned counsel for the appellant that 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. The appellant and the husband of the informant were childhood friends and the appellant had given Rs.10,000/- to her husband as loan. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail by submitting that there is a specific allegation against the appellant to abuse the informant by taking caste name.

Considering the facts and circumstances of the case, as



there is a specific allegation against the appellant to abused the informant by taking caste name, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, if the appellant surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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