

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3404 of 2022**

Arising Out of PS. Case No.-115 Year-2022 Thana- IMAMGANJ District- Gaya

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1. Allauddin @ Alauddin Mian Son Of Khalil Miya R/O Village- Bedauli, P.S.- Imamganj, Distt.- Gaya
 2. Md. Arif Husain @ Arif Ansari @ Tarif Ansari Son Of Khalil Miya R/O Village- Bedauli, P.S.- Imamganj, Distt.- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pyari Devi Wife Of Late Ram Das Paswan R/O Village- Bedauli, P.S.- Imamganj, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Murad Ashraf, Advocate
For the Respondent/s : Mr. Binay Krishna, Addl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 26-04-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against the order dated 18.08.2022, passed in a case registered for the offence punishable under Sections 147, 148, 149, 323, 341, 325, 504, and 506 of the Indian Penal Code read with Sections 3/4, Prevention of with Practice Act and 3(i)(r)(s). 3(2) (v-a) of SC and ST Act, whereby anticipatory bail of the appellants has been rejected.

As per FIR, all the accused persons including these appellants came to the house of the informant abused her with caste name and they also assaulted her with fist and sticks.



Learned counsel for the appellants submits that the FIR has been lodged by the informant after delay of 12 days and there is no explanation for the same. Unexplained delay in lodging the FIR casts serious doubt over the genuineness of the prosecution. Allegation of assault is general and omnibus. The alleged incident did not take place within the public view, as such no offence U/S 3(i)(r)(s). 3(2) (v-a) of SC and ST Act is made out . Appellants claim clean antecedent.

Learned counsel for the state and respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 18.08.2022 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Imamganj P.S Case No. 115 of 2022 subject to the condition as laid down under Section 438 (2) of the Code Of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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