

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3936 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- BARUN District- Aurangabad

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1. PRABHAWATI DEVI WIFE OF LATE RAJESHWAR SINGH RESIDENT OF VILLAGE AND PO AND PS- RAJPUR, DIST- ROHTAS
 2. PUSHPANJALI KUMARI @ PUSHPANJALI KUMARI RAJAP DAUGHTER OF LATE RAJESHWAR SINGH RESIDENT OF VILLAGE AND PO AND PS- RAJPUR, DIST- ROHTAS
 3. CHANDAN KUMAR RAJAP @ CHANDAN RAJAP SON OF LATE RAJESHWAR SINGH RESIDENT OF VILLAGE AND PO AND PS- RAJPUR, DIST- ROHTAS

... .. Appellant/s

Versus

1. The State of Bihar
2. ARTI DEVI WIFE OF SRI DASHRATH RAM RESIDENT OF VILLAGE- KOCHADH BHUIYAN TOLI, PS- BARUN, DISTT- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Vyas Kumar Mishra, Advocate
For the Respondent No.2	:	Mr. Ranjit Kumar, Advocat, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023

Re.: I.A. No.1 of 2023

Learned counsel for the appellants is directed to make necessary correction in paragraph-1 of the interlocutory application.

2. Appellants have filed the aforesaid interlocutory application for condoning the delay of 12 days in preferring this appeal.

3. Heard learned counsel for the appellants and learned Special PP for the State assisted by learned counsel for the respondent no.2 on the aforesaid I.A.



4. Finding the ground taken by the appellant in the aforesaid I.A. for condonation of delay made in preferring this appeal is sufficient and in the interest of justice, aforesaid delay in preferring this appeal is hereby condoned and aforesaid I.A. is accordingly allowed.

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5. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2 .

6. 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 25.02.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Barun P.S. Case No. 120/2023 registered under Sections 341, 323, 504, 448, 354, 354B and 379/34 of the Indian Penal Code and Section 3(1) (r)(s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. Appellants are said to have entered into the house of one Ram Naresh Singh where the informant works as maid and abused and assaulted her. They also tried to outrage her modesty.



8. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that appellant no.2 got married with son of Sri Ram Naresh Singh where the respondent no.2 has been working and upon assault and torture a case has been lodged by the appellant no.1 and in retaliation to this, this false and fabricated case has been lodged against the appellants. It is further submitted that slating the informant in the name of caste is said to have been made in the house of one Ram Naresh Singh and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

9. Learned Spl. PP for the State opposed the prayer for bail.

10. In the facts and circumstances of the case, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st



Addl. Sessions Judge cum Special Judge (SC/ST Act),
Aurangabad in connection with Barun P.S. Case No.120/2023,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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