

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4031 of 2022

Arising Out of PS. Case No.-573 Year-2022 Thana- MAHUA District- Vaishali

RAJA KUMAR @ RAJA PANDIT SON OF LATE ARUN PANDIT R/O
VILLAGE- SHINGHRAY MAHUA, P.S.- MAHUA, DISTRICT- VAISHALI
... .. Appellant/s

Versus

1. The State of Bihar
2. SANJAY KUMAR SON OF SURENDRA RAM R/O VILLAGE-
LAXMIPUR (BAGHI MARICHA), P.S.- BARIYARPUR O.P., DISTRICT-
MUZAFFARPUR
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bela Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 26-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the earlier order of this Court, notice was sent to respondent no.2 and the same was received by a family member of the respondent no.2. In this regard, a jointness petition has been filed, whereby at para-2, it is stated that respondent No.2, namely, Sanjay Kumar son of Surendra Ram is living with his family members jointly at village Laxmipur (Baghi Maricha), P.S.-Bariyarpur O.P., District Muzaffarpur.

3. Considering the same, notice is hereby deemed to be validly served upon the respondent no.2 but in spite of valid service of notice, nobody has entered appearance on his behalf.

4. 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 09.11.2022 passed by learned Special Judge, SC/ST, Vaishali in connection with Mahua P.S. Case No. 573 of 2022 registered under Sections 341, 342, 323, 379, 377, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Allegedly, at about 6-7 P.M., when the informant was at Mahua Gandhi Chowk in a programme of dance, appellant caught him and took in the orchard where three other persons were already present and committed unnatural intercourse with him. It is further alleged that he also snatched golden *Hanumani* from the informant and abused him.

6. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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. The allegations levelled against the appellant are not specific rather general and omnibus in nature. It is further submitted that medical report of the victim



has not supported the prosecution case. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

8. In the facts and circumstances of the case, as there is no specific overt act against the appellant and medical report of the victim does not support the prosecution case, 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 released 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 the learned Special Judge, SC/ST, Vaishali in connection with Mahua P.S. Case No. 573 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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