

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.82 of 2023

Arising Out of PS. Case No.-373 Year-2022 Thana- KONCH District- Gaya

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1. Yugesh Singh S/O Late Naresh Sharma R/V- Mudera Tola, Jangli Bigha, P.S.- Konch, District- Gaya
 2. Pawan Kumar @ Pavan Kumar S/O Yugesh Singh R/V- Mudera Tola, Jangli Bigha, P.S.- Konch, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. ASHA DEVI W/o Lalmohan Manjhi R/v- Mudera Tola, Jangli Bigha, P.S.- Konch, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellants and learned
Spl. PP for the State.

Learned counsel for the appellants seeks permission to withdraw this application with regard to appellant no.2 submitting that during pendency of this application the appellant no.2 has already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to appellant no. 2 is dismissed as withdrawn.

Now this application is being heard with regard to appellant no.1, only.

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



Learned Spl. PP for the State, in compliance of order dated 15.03.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 25.11.2022 passed by learned Exclusive Special Judge SC/ST, Gaya, in connection with Konch P.S. Case No. 373 of 2022 registered under Sections 341, 323, 354(B), 379, 504, 506 and 34 of the Indian Penal Code and Section 3(ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellants is said to have entered into the house of the informant and started abusing and assaulted her.

Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is abnormal delay in lodging the F.I.R., the occurrence took place on 03.08.2022 whereas the F.I.R. was lodged on 19.08.2022, after delay of 16 days and



there is no explanation regarding the delay, which creates serious doubt on the prosecution case. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is delay in lodging the F.I.R., let 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 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 Exclusive Special Judge SC/ST, Gaya, in connection with Konch P.S. Case No. 373 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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