

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.429 of 2022

Arising Out of PS. Case No.-239 Year-2019 Thana- BIKRAM District- Patna

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BINAY KUMAR SINGH @ BINAY KUMAR S/o Late Hareram Singh R/o
village - Sarwan Bhadsara, P.S.- Bikram, District- Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Raushni Kumari D/o- Bambam Paswan Resident of Village- Sarwan
Bhadsara PS - Bikram Dist- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 26-06-2024 1. Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 21.12.2021 in A.B.P. No. 8486 of 2021 passed by
the learned 3rd Additional Sessions Judge-cum-Special Judge
SC/ST, Patna in connection with Bikram P.S. Case No. 239 of
2019 registered under Sections 147, 148, 149, 341, 323, 504,
506 and 379 of the Indian Penal Code as well as Sections 3(1)(r)
(w) of the SC/ST Act.

3. Learned counsel for the appellant submits that an



application of jointness has been filed as the notice on behalf of the respondent no. 2 was received by her brother.

4. Since application for jointness has been filed, hence, the notice is deemed to have been validly served.

5. Learned counsel for the appellant further submits that appellant has antecedent of three cases. It is next submitted that initially when the FIR was instituted, the appellant was not named in the FIR and the FIR was also not instituted under the SC/ST Act as such all the accused of the instant FIR were granted the privilege of anticipatory bail by the learned District Court itself. It is also submitted that two years after institution of the FIR, the police added the relevant provisions of the SC/ST Act and the appellant was also made an accused. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that prima facie no offence under the SC/ST Act is made out against the appellant as he was initially not named in the FIR. It is next submitted that this perhaps explains why the respondent no. 2 despite receiving notice chooses not to appear and contest the case.

6. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

7. Considering the aforesaid facts, let the appellant,



above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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