

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.457 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- DIDARGANJ District- Patna

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1. Mayanand Singh Son of Late Suraj Singh R/o vill - Baratpur, P.S. - Didarganj, Distt. - Patna
 2. Ajeet Singh Son of Sri Sushil Singh R/o vill - Baratpur, P.S. - Didarganj, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Tara Devi W/o Sri Bhola Chaudhary R/o vill - Baratpur, P.S. - Didarganj, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar Sinha, Advocate
For the Respondent/s : Ms. Usha Kumari-1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2024

1. The case has been taken out of turn on mentioning of the learned counsel appearing on behalf of the appellants on the ground that daughter of the appellant no. 1 is getting married on 11.03.2024 with Aditya Kumar, son of Smt. Rita Rai and Sri Omkar Nath “Lalo”, resident of Ranipur Sangat, Jhauganj, Patna City, district Patna.

2. Heard learned counsel for the appellants, learned Spl.P.P. for the State and learned counsel for the respondent no.2.

3. 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 04.01.2024 in A.B.P. No. 11509 of 2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Didarganj P.S. Case No. 351 of 2023 registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

4. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and they have been falsely implicated by the respondent no. 2 in the instant case. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegations are cryptic, vague and open ended. It is next submitted that loopholes have been deliberately left in the FIR so that the respondent no. 2 at later stages of investigation can fill the loopholes. It is also submitted that though in the FIR, it is alleged that the husband of the respondent no. 2 was working in his field when the appellants came, abused and assaulted him and when the respondent no. 2 went to save her husband she was also assaulted and disrobed but then it is submitted that the description of the land is missing in the FIR. It is thus submitted that if the land on which the respondent no. 2 or her husband were working belonged to them in that event definitely the



description of the land would have been given in the FIR otherwise it becomes very easy to implicate someone falsely when basic details are not there in the FIR. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view as the FIR does not disclose that the occurrence was witnessed by any independent witness. It is next submitted that allegation of snatching gold chain is ornamental. It is also submitted that the SC/ST Act was enacted with a laudable object to protect the SC/ST Act but of late it is seen that the Act is being misused as certain benefits are accruing after instituting criminal cases.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail but are not in a position to rebut the submissions of the learned counsel for the appellants that appellants are persons with clean antecedent and the respondent no. 2 in the FIR has not given the description of the land on which the occurrence is alleged to have taken which the respondent no. 2 claims to be belonging to her and also the fact that the occurrence was not witnessed by any independent witnesses.



6. Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their 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) each 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.

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

(Satyavrat Verma, J)

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