

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.899 of 2023**

Arising Out of PS. Case No.-269 Year-2022 Thana- RAMGARHWA District- East
Champaran

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ALOK RANJAN SHRIVASTAV Son of Vimal Vibhuti Shrivastav Resident of
Village - Murla, P.S.- Ramgarhwa, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Maina Devi Wife of Rajendra Das Resident of Village - Murla, P.S.-
Ramgarhwa, District - East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Surya Narayan Sah, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 31-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though, as per the order of this Court, notice has been
validly served upon the respondent no.2, but nobody has entered
appearance on her behalf.

3. This is an appeal under section 14(A) 2 of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
2015 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
14.12.2022, passed by learned Special Judge, SC/ST Act, East
Champaran, Motihari, in connection with Ramgarhwa P.S. Case
No.269 of 2022, registered under sections 341, 323, 354(B), 379



and 506 of the IPC and sections 3(1)(j), 3(1)(e), 3(1)(b), 3(1)(c), 3(1)(g), 3(1)(p), 3(1)(u), 3(1)(t), 3(1)(y), 3(1)(z), 3(1)(da), 3(1)(tha) of the SC and ST Act.

4. As per the prosecution case, the accused persons being the neighbors of the O.P. No.2 used to torture her by calling her '*Daain*' and on the alleged date of occurrence, they assaulted her. Appellant stole her '*Mangalsutra*' of Rs.10,000/- and threatened to destroy her house and kill her family members.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against him to abuse the informant by taking caste name. It is further submitted that the alleged occurrence is said to have taken place on 14.04.2022 but the complaint petitioner was lodged on 12.08.2022 i.e. after a delay of about four months and no plausible explanation for the delay has been given, which itself creates doubt about the prosecution case. It is further submitted that the present case is the counter blast of Ramgarhwa P.S. Case No.104/2022 and Ramgarhwa P.S. Case



No.112/2022, lodged by the appellant against the husband of O.P. No.2 and others. Appellant has one criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and the delay in lodging the complaint case coupled with the fact that the present case is the counter-blast of earlier cases filed by the appellant, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Ramgarhwa P.S. Case No.269 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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