

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.781 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- BALIGAON District- Vaishali

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Arun Singh @ Arun Kumar Singh Son Of Dhodhari Singh Resident Of
Village- Baligaon, Ps- Baligaon, Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Reema Devi Wife Of Dinesh Paswan Resident Of Village- Akhtiaspur
Dodhra, Ps- Baligaon, Dist- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-09-2024 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 16.12.2023 passed by learned Exclusive Special
Judge, SC/ST Act-cum-Additional District and Sessions Judge-
XI, Vaishali at Hajipur in ABP No. 2992 of 2023 in connection
with Baligaon P.S. Case No. 93 of 2023, instituted under
Sections 341, 323, 324, 504, 506, 354(A), 354(B)/34 of the
Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,



whereby the prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that on 03.07.2023 at about 7:15 PM, co-accused Raju Sahani called informant for giving money at Bharatipur High School and when informant reached there, then this appellant along with other accused persons came there and tried to outrage her modesty. It is further alleged that this appellant assaulted informant by means of knife and on protest, all the accused persons abused her by caste name.

5. Learned counsel for the appellant submits that on bear perusal of F.I.R. it is evident that there is no allegation of abuse by caste name against appellant, as such, no offence under SC/ST Act is made out against him. Though there is allegation of assault by knife but till date doctor has not opined about nature of injury. It is further submitted that similarly situated co-accused, namely, Raju Sahani has already been granted anticipatory bail by this Hon'ble Court *vide* order dated 18.07.2024 passed in Cr. Appeal (SJ) No. 5213 of 2023.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as



named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge-XI, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 93 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 16.12.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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