

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.872 of 2023**

Arising Out of PS. Case No.-239 Year-2022 Thana- NARDIGANJ District- Nawada

Santosh Singh @ Santosh Kumar, aged about 44 years (Male), S/O Late Srikant Singh, R/v- Koshala, P.S.- Nardiganj, District- Nawada.

... .. Appellant

Versus

1. The State of Bihar.
2. Mina Devi, W/O Satendra Manjhi, R/v- Koshala, P.S.- Nardiganj, District- Nawada.

... .. Respondents

**Appearance :**

|                           |   |                                      |
|---------------------------|---|--------------------------------------|
| For the Appellant         | : | Mr.Vibhuti Ranjan Sonvadra, Advocate |
| For the Respondent No. 2: | : | None.                                |
| For the State             | : | Mrs. Usha Kumari 1, Spl. P.P.        |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

3      05-01-2024                      Heard learned counsel for the appellant and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present after issuance of notice.

2. 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 of the appellant vide order dated 05.11.2022, passed by the learned Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada in A.B.P. No. 2003 of 2022 in connection with Nardiganj P.S. Case No. 239 of 2022 registered for the offences punishable under Sections 341, 323, 354B, 504, 506 of the



Indian Penal Code and Sections 3(i)(r)(s)(G) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the appellant is alleged to have entered the house of the informant at 9.00 P.M. in the night and tried to outrage her modesty and also threatened to commit rape on her by thrashing her on the ground and also abused her by calling her caste name.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is submitted that the occurrence took place on 27.07.2022 whereas the F.I.R. was instituted on 01.08.2022 after a lapse of five days for which no explanation has been given by the prosecution. It is submitted that the said F.I.R. was placed before the learned Special Court for seen on 03.08.2022. There is no independent witness in the present case to support the allegation as alleged against the appellant. It is further alleged that the informant himself assaulted the appellant, as a result of which, his hand has broken. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has one criminal antecedent in which he is on bail as stated in



paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 05.11.2022, passed by learned Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada in A.B.P. No. 2003 of 2022 in connection with Nardiganj P.S. Case No. 239 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada in connection with Nardiganj P.S. Case No. 239 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Chandra Prakash Singh, J)**

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