

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.942 of 2024**

Arising Out of PS. Case No.-71 Year-2023 Thana- AUANGARI District- Nalanda

Harshwardhan Narayan Son of Late Shivendra Narayan Resident of  
Jaganpura, P.S.- Ramkrishna Nagar, Dist.- Patna

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Pratima Kumari Wife of Siddharth Suman Paswan Resident of Village-  
Hansepur, Post- O.P. Police Station- Pir Bigha (O.P.), District- Nalanda

... .. Respondent/s

**Appearance :**

|                     |   |                                                                   |
|---------------------|---|-------------------------------------------------------------------|
| For the Appellant/s | : | Mr. Surya Nandan Kumar, Adv<br>Mr. Shashi Shekhar Kr. Prasad, Adv |
| For the State       | : | Mrs. Usha Kumari 1, Spl.PP                                        |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      25-10-2024              Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State. Though, despite valid  
service of notice, nobody appears on behalf of the respondent  
no.2.

2.      This is an appeal under Section 14(A)(2) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act,  
1989, against the refusal of prayer of anticipatory bail vide order  
dated 23.08.2023, passed by learned Additional District and  
Sessions Judge, VI, Nalanda, Bihar Sharif, in connection with  
Aungari P.S. Case No.71 of 2023, registered under Sections 341,  
323, 354B, 427, 452, 504, 506 and 34 of the Indian Penal Code  
and Section 3(1) (r) (s) and 3 (2) (va) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the appellant along with other accused persons came to the house of the informant and asked her to call her husband and in the meantime, the appellant molested her and the appellant's wife abused her. They forcibly took the informant's signature on blank paper.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. The appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has two criminal antecedents as mentioned in para-3 of this memo of appeal and similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.07.2024 passed in Cr. Appeal (SJ) No.4884 of 2023.

5. Learned Spl. PP for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, let 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 released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, VI, Nalanda, Biharsharif, in connection with Aungari P.S. Case No.71 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

pallavi/-

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