

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.991 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- KHUSRUPUR District- Patna

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Pramod Singh Son Of Late Chandra Deep Siingh Resident Of Village -
Mosinpur, Police Station - Khusrupur, District - Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Asha Devi Wife Of Subodh Das Resident Of Village - Mosinpur, Police
Station - Khusrupur, District - Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Gopal Govind Mishra, Advocate
For the Respondent/s	:	Mr.Binay Krishna, SPP
For the Informant/s	:	Mr. Navin Kumar, Advocate

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

ORAL ORDER

4 20-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 bail *vide* order dated 06.01.2024 passed by the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 397/2023 arising out of Khusrupur P.S. Case No. 416/2023 registered for the offence/s punishable u/ss 341, 323, 325, 307, 354, 504 and 506 read with 34 of the Indian Penal Code and Sections 3(1)(a)(r)(s) (w)/ 3(2)(va) of the SC/ST Act.



3. As per the prosecution case, when the informant went to fetch water from the hand pump. The appellant and the co-accused persons started abusing the informant and said that her husband was under their hostage and told the informant to meet her husband. When the informant went to meet her husband, the appellant along with co-accused persons and four other persons started beating the informant. Thereafter, the appellant made the informant nude and assaulted the informant. Further, the informant managed to escape from there after saving her life.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. Learned counsel has submitted that the informant herself removed her cloth and started running which was recorded in the video footage collected by the investigating officer which is apparent from para. 35 of the case diary. The video footage was verified in para. 36 of the case diary by the investigating officer and witnesses disclosed the name of the informant. The



appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 06.09.2023.

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

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 06.01.2024 passed by the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 397/2023 arising out of Khusrupur P.S. Case No. 416/2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on 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, SC/ST Act, Patna in connection with Special Case No. 397/2023 arising out of Khusrupur P.S. Case No. 416/2023.

(Chandra Prakash Singh, J)

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