

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1058 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- PARAIYA District- Gaya

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SANJAY SINGH S/O JAGAT NARAYAN SINGH R/O VILLAGE-
RAMNA, P.S- PARAIYA, DISTT.- GAYA.

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mithilesh Kumar Rai, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, Spl. PP

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

ORAL ORDER

4 09-05-2024 Heard learned counsel for the appellant and learned
Spl. P.P. 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 against the rejection of prayer of bail of the appellant vide order dated 02.12.2023 passed in B P No. 1158 of 2023 passed by the learned Special Judge, SC/ST Act, Gaya in connection with Paraiya P.S. Case No. 291 of 2023 dated 05.08.2023 registered for the alleged offences punishable under Sections 341, 323, 448, 354(b), 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(w)/ 2(v-a) of the Scheduled Castes and Scheduled Tribes Act and Section 08/72 of the POCSO Act.

3. As per the prosecution case, the appellant entered the house of the informant where he assaulted and attempted to



commit rape on the informant. When the maternal grandmother of the victim came to save then the appellant abused her and also assaulted the younger brother of the informant. Thereafter, the informant came to rescue him and the appellant abused her by calling her caste name and threatened her.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. There is general and omnibus allegation of abusing against the appellant and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The appellant has no concern with the alleged offence. Chargesheet has been submitted in this case. The appellant is in custody since 07.08.2023. The appellant has clean antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant.

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 02.12.2023 passed in B P No. 1158 of 2023 passed by the learned Special Judge, SC/ST Act, Gaya in connection with Paraiya P.S. Case No. 291 of 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, Gaya in connection with Paraiya P.S. Case No. 291 of 2023.

(Chandra Prakash Singh, J)

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