

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1609 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- DULHIN BAZAR District- Patna

Neeraj Saw SON OF Late Ratan Saw RESIDENT OF VILLAGE-
BHARATPURA, PS- DULHIN BAZAR, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. Indrapari Devi WIFE OF Bindu Manjhi RESIDENT OF VILLAGE-
BHARATPURA, PS- DULHIN BAZAR, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anuj Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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. However, 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
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer of anticipatory bail vide order dated
06.03.2024 passed by learned Court of Exclusive Special Court,
SC/ST Act, Patna, in connection with Dulhin Bazar P.S. Case
No.25 of 2024, registered under Sections 341, 323, 504, 506,
379 of the Indian Penal Code and Section 3(1)(r)(s) of the



SC/ST Act.

3. As per the F.I.R., when the informant went to the shop of the appellant, he assaulted and abused her and snatched gold chain and locket.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place and the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case with ulterior motive. There is a delay of five days in lodging the F.I.R., without giving any plausible explanation, which creates doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature and cannot be said to be in public view. Hence, no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. It is submitted that earlier the appellant's mother has filed a case against the informant and the informant demanded Rs.20,000/- to compromise the matter, to which the appellant has denied and thereafter the present case has been lodged. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

6. In the facts and circumstances of the case, 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 Exclusive Special Court, SC/ST Act, Patna, in connection with Dulhin Bazar P.S. Case No.25 of 2024, 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)

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