

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1963 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SC/ST District- Samastipur

Kanhaiya Ji Purvey SON OF LATE ACHAMBHIT PURVEY Resident of
Ambedkar Chowk Prabhu Thakur Ward No 08 PS- Rosera District
-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. sarita kumari WIFE OF RAJ KUMAR PASWAN RESIDENT OF
VILLAGE- GOVINDPUR, PS- ROSERA, DIST- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shanker Singh, Advocate
For the Respondent/s : Ms.Usha Kumari No.1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 Heard learned counsel for the appellant and the learned
Special Public Prosecutor for the State.

2. The appellant has challenged the order dated 29.02.2024 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with SC/ST P.S. Case No.03 of 2024 instituted for the offences under Sections 341, 323, 354, 420, 406, 504 and 506 of the IPC and Section 3(1)(r)(s)(w), 3(2)(va) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that appellant is a person with clean antecedent and is a senior citizen, aged about 68 years and all of a sudden has been made a



criminal by the informant by instituting the instant FIR. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that though there is allegation of abusing the informant by taking caste name by the accused persons including the appellant, but then the allegation is not specific. It is also submitted that the date of occurrence is 02.05.2023 and the FIR came to be instituted on 14.01.2024 i.e. after a delay of more than seven months, which casts an aspersion on the case of the prosecution. It is also submitted that even presuming what has been alleged is true without admitting then the offence is not alleged to have been committed in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses. It is thus submitted that no useful purpose would be served by issuing notice.

4. The learned Special P.P. opposes the bail application.

5. Regard being had to the aforesaid submissions, the order dated 29.02.2024 is set aside.

6. The appeal stands allowed.

7. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his



furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with SC/ST P.S. Case No.03 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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