

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2580 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SC/ST District- Munger

Avnish Kumar S/O Subodh Kumar R/O Village- Maheshpur, P.S- Tarapur,
Distt.- Munger.

... .. Appellant/S

Versus

1. The State Of Bihar
2. Sharmila Kumari W/O Balram Das R/O Village- Maheshpur, P.S- Tarapur,
Dist.- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Narayan Sah
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 1. Heard learned counsel for the appellant and the
learned Special P.P. Ms. Usha Kumari No.1.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 30.03.2024 in A.B.P. No. 340 of 2024 passed by the
learned Additional District and Sessions Judge-Ist, Munger in
connection with SC/ST Tarapur P.S. Case No. 09/2024
registered under Sections 341, 323, 354, 504, 506, 34 of the
Indian Penal Code as well as Sections 3(1)(i), 3(1)(r), 3(1)(s),
3(2)(va) and 3(1)(w) of the SC/ST (POA) Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is next submitted that the informant alleges that on 18.01.2024 at about 9.00 A.M. she had gone to attend the call of nature, when the appellant started teasing her and even pulled her saree, on protest, he abused her by taking caste name, thereafter, she came to her house and informed about the occurrence to her mother-in-law and her mother-in-law went to the house of the appellant to disclose about the occurrence but then they were not willing to hear any complain and Ashish dashed the informant on the ground by holding her hair.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is also submitted that the allegation does not inspire any confidence rather appears to be cryptic and vague. It is next submitted that the date of occurrence is 18.01.2024 and the F.I.R. came to be instituted on 23.02.2024 i.e. after a delay of more than 30 days, which casts an aspersion on the case of the prosecution. It is also submitted that allegation of teasing is ornamental and the occurrence was not witnessed by any independent witnesses, as such, prima facie, no offence under



the SC/ST Act is made out against the appellant.

5. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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