

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2575 of 2022

Arising Out of PS. Case No.-353 Year-2020 Thana- JAYNAGAR District- Madhubani

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AMIT KUMAR @ AMIT SAHU Son of Uday Sah @ Uday Sahu Resident of
village - Barhi, Ward No.- 09, P.S.- Jaynagar, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Leela Devi Dhandev Paswan R/V-Barhi, P.S.-Jay Nagar, Dist-Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bhavesh Kumar Sah
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Vibhakar Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 06-09-2024 1. Heard learned counsel for the appellant, learned

Special P.P. for the State and the learned counsel appearing 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, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 19.06.2021 in A.B.P. No. 420 of 2021 passed by the
learned 1st Additional Sessions Judge, Madhubani in connection
with Jaynagar P.S. Case No. 353 of 2020 registered for the
offences punishable under Sections 341, 323, 354B, 379, 504
and 34 of the Indian Penal Code as well as Sections 3(i)(X) of
the SC/ST Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and is a young boy aged about 19 years and the informant alleges that on 11.09.2020 at 08:00 AM she had gone to her garden, when the accused persons including the appellant came and started abusing her, thereafter, appellant started assaulting and on alarm when her husband and children came to save her, they were also assaulted and the family suffered injury, it is next alleged that Parmeshwar and Uday disrobed her and abused her husband by taking caste name and the accused persons also snatched Rs. 7,000/- and Munika Devi took nose ring of the informant.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that *prima facie* no offence is made out under the SC/ST act even presuming what has been alleged is true without admitting, as the occurrence is alleged to have taken place in a garden and not in a public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses. It is further submitted that it is alleged that the appellant assaulted her, but then it is submitted that the date of occurrence is 11.09.2020 and the FIR came to be



instituted on 29.09.2020 i.e. after a delay of 18 days without any plausible explanation, which casts an aspersion on the case of the prosecution.

5. Learned Special P.P. for the State and the learned counsel appearing on behalf of the respondent no. 2 oppose the appeal, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that there is a delay of 18 days in instituting the instant FIR.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 19.06.2021 in A.B.P. No. 420 of 2021 passed by the learned 1st Additional Sessions Judge, Madhubani in connection with Jaynagar P.S. Case No. 353 of 2020 registered for the offences punishable under Sections 341, 323, 354B, 379, 504 and 34 of the Indian Penal Code as well as Sections 3(i)(X) of the SC/ST Act, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jaynagar P.S. Case No. 353 of 2020



subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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