

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3002 of 2024**

Arising Out of PS. Case No.-23 Year-2024 Thana- Rasalpur District- Bhagalpur

Md. Magan SON OF LATE MD. RAMZANI VILLAGE- DANOURA, PS-
RASALPUR, DIST- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. Keshari Devi Wife Of Jaykumar Paswan Village- Channo. Ps- Rasalpur,
Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh, Adv

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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

ORAL ORDER

4 12-09-2024 A jointness affidavit showing jointness with her husband, has filed by learned counsel for the appellant but no one has appeared on behalf of the informant. However, learned Spl. PP is present.

2. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

3. 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 bail *vide* order dated 20.05.2024 passed by the learned Addl. District and Sessions Judge- III-cum Spl. Judge, SC/ST Act, Bhagalpur in connection



with Rasalpur P.S. Case No. 23 of 2024 registered for the offence/s punishable u/s 448, 354B, 504 of the Indian Penal Code and Sections 3(i)(r)(s) (w)/ 3(2)(va) of the SC/ST Act.

4. As per the prosecution case, the appellant is alleged to have outraged the modesty of the daughter of the informant.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to an ulterior motive. As per the FIR, the daughter of the informant is a wife of the appellant and both have solemnized marriage in Mandir. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has clean criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 25.04.2024.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

7. 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 20.05.2024 passed by the learned Addl. District and Sessions Judge- III-cum Spl. Judge, SC/ST Act, Bhagalpur in connection with Rasalpur P.S. Case No. 23 of 2024 is set aside against the



appellant. The criminal appeal is allowed.

8. 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 Addl. District and Sessions Judge- III-cum Spl. Judge, SC/ST Act, Bhagalpur in connection with Rasalpur P.S. Case No. 23 of 2024.

9. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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