

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3003 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- SC/ST District- Patna

RAUSHAN KUMAR Son of Late Bahadur Rai Resident of village - Rahima
Pur, P.S. - Athmalgola, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. USHA DEVI Wife of Lal Dev Resident of village - Rahima Pur, P.S. -
Athmalgola, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Bihari Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-05-2024 1. Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State, Ms.
Usha Kumari.

2. No one appears on behalf of respondent No. 2.

3. 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 31-01-2023 in A.B.P. No. 9779 of 2022 passed by
the learned Exclusive Special Court, S.C./S.T. Act, Patna in
connection with Barh SC/ST P.S. Case No. 23 of 2022
registered for the offences punishable under Sections 147, 149,



341, 323, 354B, 379, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.

4. The 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 from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation is alleged against the appellant rather specific allegation of assault is against Vivek. It is next submitted that date of occurrence is 15.06.2022 and the FIR came to be instituted on 21.06.2022 i.e., after a delay of six days which amply demonstrates that the FIR was instituted by way of after thought.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant but then is not in a position to rebut the submission of the learned counsel for the appellant that there was delay in instituting of the FIR and there is no specific allegation of assault against the appellant and the in the nature of allegation as alleged, *prima facie*, no offence is made out under the SC/ST act as the occurrence was not witnessed by any independent witness.

6. In view of the submissions made by the learned counsel for the appellant, 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. 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/successor court in connection with Barh SC/ST P.S. Case No. 23 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

