

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3094 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- FATEHPUR District- Gaya

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1. KHUSHBU KUMARI Daughter of Parshuram Singh R/O Village - Itwan, P.S.- Fatehpur, District - Gaya
 2. Nibha Kumari Daughter of Parshuram Singh R/O Village - Itwan, P.S.- Fatehpur, District - Gaya
 3. Sushma Kumari @ Shushma Devi Daughter of Parshuram Singh R/O Village - Itwan, P.S.- Fatehpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Tuntun paswan son of Hemraj Paswan Resident of village-Itwan,P.S- Fatehpur, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Rina Sinha, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-01-2024 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, though, notice has been validly served upon the respondent no.2 but nobody appears on his behalf.

3. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 05.04.2023, passed by learned Exclusive



Special Judge, SC/ST Act, Gaya, in connection with Fatehpur P.S. Case No.37 of 2023, registered u/s 341/323/308/504/506/379/ 34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

4. The prosecution case in brief is that the appellants along with other accused persons came with deadly weapons and pistol and abused and assaulted the informant's side.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. There is no specific overt act against the appellants to abuse and assault the informant's side. It is further submitted that the occurrence is alleged to have taken place on 10.12.2022 and the F.I.R. has been lodged on 15.01.2023 i.e. after 36 days without giving any plausible explanation regarding such delay, which, itself creates doubt about the prosecution case. Appellants have no criminal antecedent and similarly situated co-accused namely Parsuram Singh and Saloni Kumari have been granted anticipatory bail by



this Court vide Cr. Appeal (SJ) No.3070 of 2023 dated 06.12.2023 and Cr. Appeal (SJ) No.3057 of 2023 dated 06.12.2023.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, since similarly situated co-accused have been granted anticipatory bail, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Fatehpur P.S. Case No.37 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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