

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3124 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- GHORASAHAN District- East
Champaran

Bhushan Kumar Son of Shamdeo Chaudhary Resident of Village - Jitpur
Bela, P.S.- Jitna, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shanti Devi Wife of Tribhuwan Baitha Resident of Village - Jitpur Bela,
P.S.- Jitna, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhurendra Kumar
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 27-09-2024 Heard learned counsel for the appellant as well as
learned counsel for the respondent.

2. This appeal has been preferred on behalf of the
appellant under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting
aside the order dated 05.06.2024 passed by the learned
Special Judge, SC/ST Act, East Champaran, Motihari in
connection with Ghorasahan P.S. Case No. 196 of 2024
registered for the offences punishable under Sections 341/
323/ 324/ 354B/ 504/ 506 of the Indian Penal Code & Section
3(i)(iii)(xi) of SC and ST (Prevention of Atrocities) Act,



whereby the prayer for bail of the appellant has been rejected.

3. As per prosecution, in course of going to garden, in the way, the appellant is alleged to have caught hold of hand of her daughter and abused her. The appellant took her to bush and on alarm being made by informant's daughter, the appellant tied her hand and cut her both cheeks. The appellant also threatened informant's daughter of dire consequences taking her caste name.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no explanation of one month delay in lodging the FIR. It has further been submitted that as a matter of fact, the occurrence did not take place in public view. It has also been submitted that the appellant is under custody since 29.04.2024.

5. On the other hand, the learned Special Public Prosecutor has opposed the prayer for bail and submitted that the mark of teeth bite was found in medical report on the cheeks of the victim.

6. In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 05.06.2024 passed by the



learned Special Judge, SC/ST Act, East Champaran, Motihari
is set aside.

7. Considering the above-mentioned facts and
circumstances, the appellant above-named, shall be released
on bail on furnishing bail bond of Rs. 10,000/- (Ten
Thousand) with two sureties of the like amount each to the
satisfaction of learned Special Judge, SC/ST Act, East
Champaran, Motihari in connection with Ghorasahan P.S.
Case No. 196 of 2024.

(Nawneet Kumar Pandey, J)

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