

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3348 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SC/ST District- Vaishali

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Ram Chandra Singh Son Of Tapushwar Singh Resident Of Village- Warispur
Maal, Ps- Bhagwanpur, Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Leela Devi Wife Of Amod Rajak Resident Of Village- Ashatpur Satpura, Ps-
Bhagwanpur, Dist- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Hemant Kumar
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 23-02-2024 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 05.07.2023 passed by the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 1737 of 2023, arising out of SC/ST P.S. Case No. 20/2023, registered for the alleged offences under Sections 147, 341, 323, 354(B), 324, 447, 308, 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(1)(s)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, on 12/05/2023 the informant went to the orchard for nature's call. In the meantime, the



appellant assaulted her and made her naked. On her cry, the informant's son came to save her. The other co-accused person abused and assaulted him, causing injuries on his head and below eyes. Thereafter, the other co-accused persons and 5-6 unknown persons came to the house of the informant and started abusing with caste name. Then, co-accused Sushil Tiwary and Manish Kumar assaulted the father-in-law of the informant, when his son came to save him, the blow of *hasua* hit below his eyes. Further, co-accused Manish Kumar entered in the house and took a suitcase of clothes and jewelleryes worth Rs. 2 lacs.

4. Learned counsel for the appellant submits that the appellant are innocent and has been falsely implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellant. There is a delay of five days in lodging the F.I.R. The appellant has no criminal antecedent stated in para 3 of the appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 05.07.2023 passed by the



learned Special Judge, SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 1737 of 2023, arising out of SC/ST P.S. Case No. 20/2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 1737 of 2023, arising out of SC/ST P.S. Case No. 20/2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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