

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3435 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- JANTA BAZAR District- Saran

Ashish Kumar Son Of Amarjeet Mahto R/O-Pursotampur, P.S.-JANTA Bazar,
Distt.-SARAN At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi Wife Of Sunil Sah R/O-Najirganj, P.S.-JANTA Bazar, Distt.-
SARAN At Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yugal Kishore

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 14-05-2024 **1.** Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Mr. Sadanand Paswan.

2. 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 19-6-2023 in A.B.P. No. 1676 of 2023 passed by the
learned SC/ST/MP/MLA/MLC Exclusive Judge-cum-ADJ-3,
Saran at Chapra in connection with Janta Bazar P.S. Case No.
182 of 2022, registered for the offences punishable under
Sections 363, 366, 366A, 323, 504, 506 and 34 of the Indian
Penal Code as well as Sections 3(i)(r)(s)(w) of the SC/ST (POA)



Act.

3. 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, who is mother of the victim. It is further submitted that appellant came to be implicated in the instant case being friend of Ankit with whom victim was in love and had eloped. It is next submitted that victim came back and the statement was recorded under Section 164 Cr.P.C wherein she had not supported the case of the prosecution. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that *prima facie* no offence under the SC/ST Act is made out as far as the appellant is concerned.

4. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

5. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial 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 trial court where the case is pending/successor court in connection with the



aforesaid case, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

6. Accordingly, the impugned order dated 19-06-2023
is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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