

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3643 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- KARPI District- Jehanabad

NAGENDRA KUMAR son of Sri Kariman Yadav Village- Selarpur Ps- Karpi
Dist- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinki Devi wife of Sonu Paswan Village- Selarpur Ps- Karpi Dist- Arwal

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nitish Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 5 16-12-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 20.07.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge SC/ST Act, Jehanabad, in ABP No. 962 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Karpi Police Station Case No. 177 of 2023 registered for the offence punishable under Sections 341/323/354B/504/506 of the Indian Penal Code and



Sections 3(1)(r)(s)/3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 25.05.2023, at about 10:00 AM, in the morning, while the informant was sleeping, along with her two children, suddenly, the appellant entered into the informant's room, molested her and upon protest threatened to kill her and her children. The appellant also tore her saree and blouse.
4. Learned counsel for the appellant submits that the appellant is young person aged about 25 years and has falsely been implicated in the present case due to village politics. The police, after investigation, has not submitted charge-sheet under Section 354B and other sections of the Indian Penal Code, but has only submitted charge-sheet under Sections 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of the Scheduled Cast and Scheduled Tribe Act. He further submits that provisions of SC/ST Act may not be applicable in the fact of the case inasmuch as the caste name has not been taken in full public view, but allegedly inside the house of the



informant.

5. Despite service of notice, no one appeared on behalf of the respondent no. 2
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that caste name was not taken in full public view and the police, after investigation, has submitted charge-sheet only under Sections 504 and 506 of the Indian Penal Code and Sections under SC/ST Act, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 20.07.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge SC/ST Act, Jehanabad, in ABP No. 962 of 2023, is set aside.
8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge SC/ST Act, Jehanabad, in connection with Karpi Police Station Case No. 177 of 2023, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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