

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3863 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- RAJAPAKAR District- Vaishali

SANJAY RAI son of Dewendra Rai village- Rajapakar Chowari PS-
Rajapakar Dist- Vaishali. Appellant/s

Versus

1. The State of Bihar
2. Laliya Devi wife of Raghunath Ram village- Rajapakar Chowari Ps-
Rajapakar Dist- Vaishali Respondents.

Appearance :

For the Appellant/s : Mr. Rupa Kumari
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-01-2024 Heard learned counsel for the appellant and learned Special
P.P. for the State.

2. From perusal of the records, it appears that vide order dated 05.07.2023 passed in Cr. Appeal (SJ) No.2175 of 2023, the prayer for bail of appellant nos.1 and 5 was dismissed as withdrawn and this appellant was appellant no.1 in the said appeal. Thereafter, a modification application, bearing Cr. Misc. No.74464 of 2023, was preferred on behalf of this appellant to modify the said order that due to wrong submission made by learned counsel for the appellants in the said appeal [Cr. Appeal (SJ) No.2175 of 2023], the said appeal was dismissed as withdrawn in respect of appellant no.1 also and the order dated 05.07.2023 was modified.

3. The appellant has filed the present appeal afresh.



4. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 03.11.2023, he has informed the informant but none is present on her behalf.

5. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 12.04.2023 passed by learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 411 of 2022 registered under Sections 341, 323, 354, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. The appellant in association of other co-accused is said to have went to the house of the informant started abusing her in the caste name and on forbade to do so they started assaulting the informant and her family members. They also outraged her modesty. The reason behind the occurrence is said to be dispute of a road.

7. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to a road dispute. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence



under SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

9. In the facts and circumstances of the case, the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Rajapakar P.S. Case No.411 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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