

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4267 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA PS District- Khagaria

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AMARNATH SINGH @ AMARNATHA SINGH @ HIMENT SINGH,
MALE, AGED ABOUT 48 YEARS, SINGH SON OF SHASHIBHUSHAN
SINGH VILLAGE- ECHARUWA, PS- ALAULI, DIST- KHAGARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. SABO DEVI WIFE OF UMESH SADA VILLAGE AMAUSI, PS-
AMAUSI (MORAKHI), DIST- KHAGARIA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. S. D. Sanjay, Senior Advocate Mr. Vishal Kumar, Advocate Mr. Mohit Aggarwal, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

8 27-03-2024 Heard learned counsel for the appellant and

learned Special P.P. for the State, on point of admission and on
merit also.

2. Learned Special P.P. for the State submitted

that notice has validly been served upon the informant, but no
one appears on behalf of the informant.

3. Learned counsel for the appellant is

permitted to make necessary correction in cause title of the
present bail petition, during course of the day.

4. The appellant has preferred the present

appeal under Section 14A(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 bail vide order dated 27.07.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Khagaria in connection with Mahila P.S. Case No.37 of 2023 registered under Sections 341, 376, 506 of Indian Penal Code and Sections 3(i)(r)(s), 3(i)(w) of SC/ST Act.

5. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

5. The allegation against the appellant is to have committed rape upon the informant.

6. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case, where, appellant is not named in the FIR. It is submitted that it appears from FIR that specific allegation is against this petitioner, but victim stated in her deposition before learned court below during trial in case bearing Special SC/ST GR No.52 of 2023 that nothing has happened with her in the present occurrence and the person did nothing with her with whom she had land dispute and it also stated that whatever she have been stated from before that was tutored by the local persons/villagers and she did not go through the contents of the



application/complaint what have been written and she is an illiterate and also Sub-Inspector of Police did not interrogate with regard to the present occurrence. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the SC/ST Act. It is further submitted that appellant is a man of clean antecedent and he is in custody since 27.05.2023.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

8. Learned Special P.P. for the State opposes the prayer for bail of the appellant.

9. In view of the submissions, as made above and as during trial the victim did not support the prosecution of FIR and also stated that nothing had happened with her, as alleged in the FIR against this appellant, let the appellant, above named, is directed to be released on bail in connection with Mahila P.S. Case No.37 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Khagaria.

10. Accordingly, impugned order dated 27.07.2023 is set aside.

11. Hence, appeal stands allowed.

(Ramesh Chand Malviya, J)

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