

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4939 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- TURKAULIYA District- East
Champaran

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RANJAN KUMAR S/O RAJ KISHORE GIRI @ KHARHA GIRI
VILLAGE- KATGENWA, PS. ADAPUR, DIST. EAST CHAMPARAN
... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GAYATRI DEVI W/O RAMAYAN RAM VILLAGE- CHAILAHA
KURIYA, WARD NO. 10, PS. BANJARIYA, DIST. EAST CHAMPARAN
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-09-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 28.06.2024, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 17.08.2023 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 308 of 2023 registered



under Sections 420, 467, 468, 471, 406, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant along with other co-accused person, namely, Raj Kishor Giri is said to have operate the account of the informant for illegal work. When the informant came to know and asked them about the same, they came at her house and started abusing her by taking her caste name and also threatened her of dire consequences.

5. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is totally false and based on concocted facts. There is no specific overt act against the appellant to abuse the informant by taking her caste name. Hence no offence under SC/ST Act is made out against the appellant. The occurrence took place on 05.01.2023, but the complaint case was lodged on 23.02.2023 and police has lodged the FIR on 11.03.2023. There is inordinate delay in lodging the case without assigning any plausible explanation for the said delay which



creates serious doubt about the prosecution case. Similarly situated co-accused has been enlarged on bail by this Court vide order dated 20.09.2023 passed in Criminal Appeal (SJ) No. 2951 of 2023. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. 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, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 308 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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