

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4884 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- AUANGARI District- Nalanda

Apurva Sinha @ Apurva Sinha Narayan W/O Shri Harshvardhan Narayan
R/O Adarsh Colony Road No. 03, Near Dawa Factory, P.S- Sampatchak,
Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pratima Kumari, W/o Sidharta Suman Paswan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashi Shekhar Kumar Prasad, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the R.No. 2	:	Mr. Praveer Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 23.08.2023 passed by learned Additional District and Sessions Judge-VI, Nalanda, Bihar Sharif in connection with A.B.P. No. 1493 of 2023 arising out of Aungari P.S. Case No. 71 of 2023, registered under Sections 341, 323, 354(B), 427, 452, 504, 506/34 of the Indian Penal Code and Sections 3(I)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. It is alleged that on 23.06.2023, owner of the petrol pump, this appellant along with others came at the house of the



informant and damaged the household articles, abused the informant by her caste name and forcibly took her sign on blank paper.

4. Learned counsel for the appellant submits that appellant has falsely been implicated in this case. As a matter of fact, husband of the informant fled away with some money last year and recently he visited the petrol pump for his reappointment but the same was denied by her husband as a result of which this false and concocted case has been lodged. Moreover, the F.I.R. for the alleged occurrence has been lodged after inordinate delay of 22 days, without any plausible explanation, which itself creates doubt about veracity of the prosecution case. Furthermore, it is not the case of the informant that the alleged occurrence has taken place within the public view and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent No. 2 vehemently opposed the prayer for anticipatory bail of the appellant.

6. Considering the aforesaid facts and circumstances of the case, impugned order dated 23.08.2023 passed by learned Additional District and Sessions Judge-VI, Nalanda, Bihar Sharif



in connection with A.B.P. No. 1493 of 2023 arising out of Aungari P.S. Case No. 71 of 2023 is set aside.

7. Let the appellant, as named above, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI, Nalanda, Bihar Sharif in connection with A.B.P. No. 1493 of 2023 arising out of Aungari P.S. Case No. 71 of 2023.

8. Accordingly, the impugned order dated 23.08.2023, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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