

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5675 of 2023

Arising Out of PS. Case No.-497 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Om Prakash Singh Son Of Late Sakaldeo Singh Resident Of Village -
Ghughua, P.S. - Ghorashan, District - East Champaran, Motihari, Bihar -
845303

... .. Appellant/s

Versus

1. The State of Bihar
2. Chunni Devi Wife of Mukesh Paswan Resident of Village - Ghughua, P.S. -
Ghorashan, District - East Champaran, Motihari, Bihar - 845303

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Akshay Ashish, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP
		Mr. Ajay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 10.10.2023 passed by learned Special Judge, SC/ST (PoA) Act, East Champaran, Motihari in connection with A.B.P. No. 4504 of 2023 arising out of Ghorasahan P.S. Case No. 497 of 2023, registered under Sections 420, 328, 376, 506 of the Indian Penal Code, Section 67 of I.T. Act and Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. The prosecution story, in brief, is that the informant was



working as maid in the house of the appellant and on 30.06.2023 at about 9:00 PM, the co-accused Manish, after having fed spurious sweets to the informant, committed sexual assault upon her and recorded the same on his mobile.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to past enmities with a view to tarnish social image. Further submission is that the First Information Report has been lodged after a delay of 2 months of the alleged occurrence without any explanation. It is next submitted that the informant borrowed a sum of Rs. 50,000/- from the appellant for her daughter's marriage and she was not in a mood to return the same and due to ill motive of the informant to digest Rs. 50,000/- this false and fabricated case has been lodged. It is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out. Appellant is a man of clean antecedent.

5. Learned Spl. Public Prosecutor for State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the submissions advanced on behalf of the parties, let the appellant, as named above, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Special Judge, SC/ST (PoA) Act, East Champaran, Motihari in connection with A.B.P. No. 4504 of 2023 arising out of Ghorasahan P.S. Case No. 497 of 2023.

7. Accordingly, the impugned order dated 10.10.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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