

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.102 of 2024

Arising Out of PS. Case No.-31 Year-2022 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Pawan Kumar Pandey Son of Anil Kumar Panday Resident of village -
Chhotka Amawar, P.S.- Chand, District - Kaimur (Bhabhua).

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Kumari Wife of Pawan Kr. Panday Resident of Village - Senura,
P.S.- Chand, District - Kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr. Parwej Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-04-2024 Heard learned counsels for the parties.

2. 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 for bail vide order dated 28.11.2023 passed by learned Additional District and Sessions Judge First-cum-Special Judge, SC/ST (Prevention of Atrocities Act) Kaimur at Bhabhua in connection with Mahila P.S. Case No. 31 of 2022 registered under Sections 341, 323, 494, 498(A), 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. Appellant, who is husband of the informant, is said to have tortured upon the informant in association of his family members. It is further alleged that one day, when the informant was suffering from teeth pain, her husband provided her medicine of teeth pain, but after consuming the said medicine, her pregnancy was terminated. Thereafter, her husband solemnized second marriage with another lady. It is further alleged that on 31.07.2022, when the informant was going along with her husband, on the way, her in-laws, who were already present there, abused her taking her caste name and assaulted her as well and also threatened her of dire consequences.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to ulterior motive. All the allegations levelled against the appellant is totally false and based on concocted facts. There is no allegation of slating the informant in the name of her caste against the appellant, hence no offence under SC/ST Act is made out against the appellant. There is an inordinate delay of forty five days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellant has no criminal antecedent and he has been



languishing in custody since 28.11.2023.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Considering the facts and circumstances of the case, as there is inordinate delay in lodging the FIR and there is no allegation of slating the informant in the name of her caste against the appellant, the above named appellant is directed to 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 Additional District and Sessions Judge First-cum-Special Judge, SC/ST (Prevention of Atrocities Act) Kaimur at Bhabhua.

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

(Anjani Kumar Sharan, J)

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