

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2801 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- PIRO District- Bhojpur

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ALLAH KUMAR SAH @ AMAN KUMAR SAH SON OF GANESH SAH
RESIDENT OF VILLAGE - BAMBARPUR, P.S. - PIRO, DISTRICT -
BHOJPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. SUSHILA DEVI WIFE OF RANGBAHADUR PASI RESIDENT OF
VILLAGE - AMBARPUR, P.S. - PIRO, DISTRICT - BHOJPUR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Singh, Adv.
For the informant	:	Mr. Raju Kumar Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 06-02-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the rejection of prayer for bail of the appellant
vide order dated 18.05.2024 in B.P. No. 1643 of 2024 passed by
the learned Additional Sessions Judge 1st Cum Special Judge
SC/ST, Bhojpur at Ara in connection with Piro P.S. Case No. 94 of
2024 dated 11.03.2024 registered for the alleged offences
punishable under Sections 341, 354, 354(b), 506, 509 of the Indian
Penal Code and Sections 3(i)(r)(s)/ 3(2)(va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act and



Section 67(A) of the I.T. Act.

3. As per the prosecution case, on 08.03.2024 at about 10.00 O'clock, the informant's daughter was going to garden from his home, in the meantime, the co-accused, Mithun Kumar Sah caught her sister and took her in canal and kissed her. The informant's daughter made halla, on hearing halla, the informant reached there. After seeing the informant, the co-accused fled away. It is further alleged that the appellant took the photo and made it viral on Facebook. They also threatened the informant to take her daughter.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The occurrence took place on 08.03.2024 but the F.I.R. was lodged on 11.03.2024 and there is no explanation for this delay. There is a case and counter case between the parties. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that there is no specific allegation against the appellant. Learned counsel has further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 10.04.2024.



5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 18.05.2024 in B.P. No. 1643 of 2024 passed by the learned Additional Sessions Judge 1st Cum Special Judge SC/ST, Bhojpur at Ara in connection with Piro P.S. Case No. 94 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Cum Special Judge SC/ST, Bhojpur at Ara in connection with Piro P.S. Case No. 94 of 2024.

(Chandra Prakash Singh, J)

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