

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4155 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- SC/ST District- East Champaran

Deepak Kumar, son of Paltan Rai @ Paltan Ray, Resident of Village -
Bhatlahiya (Matlahiya), Bijbani, P.S. - Jitna, District- East Champaran

... .. Appellant

Versus

1. The State of Bihar
2. Chulhai Paswan, son of Jagarnath Paswan, resident of village - Matlahiya,
P.S. - Jitna, District- East Champaran

... .. Respondents

Appearance :

For the Appellant	:	Mr. Mayank Prassan Dubey, Advocate Mr. Ajay Kumar Singh, Advocate
For the Respondents	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. Despite valid service of notice, none appears
for the State.

3. This appeal is preferred against the order
dated 17.08.2024 passed by the learned Special Judge, S.C./S.T.
(POA) Act, East Champaran, Motihari, in connection with
Motihari S.C./S.T. P.S. Case No.40 of 2024 registered for the
offence under sections 341, 323, 324, 354, 504/34 of the Indian
Penal Code and under sections 3(1)(r)(s),3(2)(va) of the
S.C./S.T. Act, by which the prayer of the appellant for grant of
anticipatory bail has been rejected.



4. As per the F.I.R., while the daughter-in-law of the informant and other women were cutting grass in the field, the appellant and other accused persons started passing filthy comments on his daughter-in-law and when the informant objected, the accused persons abused him by denoting his caste name and also assaulted him and his daughter-in-law.

5. Learned counsel for the appellants submits that the F.I.R. has been lodged after 22 days of the alleged occurrence and in the F.I.R. no reason for the aforesaid delay been been mentioned.

6. Learned counsel for the State has opposed the prayer of the appellant for grant of bail.

7. I have considered the submissions of the parties and perused the materials on record.

8. From reading of the present F.I.R. it appears that the occurrence is said to have taken place on 18.05.2024 but the F.I.R. has been lodged by the informant only on 10.06.2024 i.e. after a delay of twenty two days that too without any cogent and reasonable explanation, which is damaging the case of the prosecution.

9. In view of the above, this appeal is allowed. Accordingly, the impugned order dated dated 17.08.2024 passed



by the learned Special Judge, S.C./S.T. (POA) Act, East Champaran, Motihari, in connection with Motihari S.C./S.T. P.S. Case No.40 of 2024 is hereby set aside.

10. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, S.C./S.T. Act, East Champaran, Motihari / concerned Court, in connection with Motihari S.C./S.T. P.S. Case No.40 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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