

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4525 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- MAHILA THANA District- Begusarai

Krishna Paswan @ Kishore Kumar Son of Mahesh Paswan Resident of
Village - Khakharua, P.S. - Bakhari, District - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Kavita Devi Wife of Virendra Paswan Resident of Village - Ajni, P.S. -
Ghaurahi, District - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kedar Jha
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-01-2025 1. Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. The appellant has challenged the order dated
28.08.2024 passed by the learned Exclusive Special Judge,
SC/ST (P.O.A.) Act, Begusarai in connection with Mahila P.S.
Case No. 29 of 2023, instituted for the offences under Sections
420, 406, 341, 323, 376, 504, 506 and 34 of the Indian Penal
Code and Section 3(1)(r)(s)(w) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, whereby prayer
for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that
appellant is a person with clean antecedent and the informant



alleges that on 10.01.2020 co-accused Chandra Shekhar Paswan in lieu of providing job in police department took Rs. 10 Lakhs from the husband of the informant in total, further on 28.12.2022, co-accused Chandra Shekhar Paswan took informant to Patna and established physical relations with her and when informant came to the house of co-accused Chandra Shekhar, all the accused persons including the appellant abused her with caste name and assaulted her, it is next alleged that Dilip Rai also forcibly established physical relation with the informant.

4. The learned counsel for the appellant submits that from perusal of the FIR, it would manifest that specific allegation of taking money and establishing physical relation is against Chandra Shekhar Paswan, as far as the appellant is concerned, he has been made an accused merely because he is related to co-accused Chandra Shekhar Paswan and there is no specific allegation of abuse and assault against him nor it is the case of the informant that any member of the public was present at the time of the occurrence, as such, no offence under the SC/ST Act is made out against the appellant. It is also submitted that it has been specifically pleaded at Para-11 of the appeal that the appellant also belongs to the same caste from which the



informant belongs, as such, the rigors of SC/ST Act is not attracted against him.

5. The learned Special P.P. for the State opposes the prayer for anticipatory bail of the appellant.

6. Regard being had to the aforesaid submissions, the order dated 28.08.2024 is set aside.

7. The appeal stands allowed.

8. The appellant, above-named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks, is directed to be released on anticipatory bail on furnishing bail-bond in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST(P.O.A.) Act, Begusarai in connection with Mahila P. S. Case No. 29 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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