

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2056 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- BODHGAYA District- Gaya

1. Guriya Kumari @ Guriya Kumar @ Guriya Devi Daughter Of Late Punpun Prasad R/O Village- Mastipur, Bodh Gaya, P.S.- Bodh Gaya, Dist.- Gaya.
2. Uday Kumar Son Of Late Punpun Prasad R/O Village- Mastipur, Bodh Gaya, P.S.- Bodh Gaya, Dist.- Gaya.
3. Reshami Kumari D/O Late Punpun Prasad R/O Village- Mastipur, Bodh Gaya, P.S.- Bodh Gaya, Dist.- Gaya.
4. Durgesh Kumar Son Of Ashok Prasad R/O Village- Mastipur, Bodh Gaya, P.S.- Bodh Gaya, Dist.- Gaya.

... ... Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Dilip Kumar Arjun Chaudhary Village-Bhagwanpur, P.S.-Chandi, District- Nalanda.

... ... Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar Sinha
For the Respondent/s : Mr. Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 30-11-2022 Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Delay in filing of appeal, if any, shall be ignored in view of the order dated 10.01.2022, passed by the Hon'ble Apex Court in Miscellaneous Application No. 21 of 2022 and analogous cases.

Heard learned counsel for the appellants and learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 04.07.2020, passed by learned Exclusive Special Judge (SC/ST), Gaya in connection with Bodh Gaya P.S. Case No.140 of 2020, registered under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

The appellants are said to have assaulted the informant by means of lathi, danda and iron rod causing injuries to him. The appellants are also said to have abused the informant by naming his caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that appellant no.1 was sexually harassed and raped by the informant with an assurance that he will marry her. When she got pregnant, the informant denied to marry her. It is submitted that appellant no.1 had filed an application before the S.S.P., Gaya on 20.03.2020 with regard to sexual harassment and lodged an FIR being Bodh Gaya P.S.



Case No.144 of 2020, dated 01.05.2020 under Sections 376, 313, 420, 504 and 506 of the Indian Penal Code against the informant. Thereafter the sister of appellant no.1 had also filed a case against the informant being Bodh Gaya P.S. Case No.141 of 2020, dated 27.04.2020 under Sections 341, 323, 379, 354, 427 and 504 of the Indian Penal Code alleging therein that the informant entered into her house in drunken stage and broke the household articles. The informant also tried to outrage the modesty of the sister of appellant no.1. It is submitted that thereafter the informant has lodged the present FIR against the appellants. It is further submitted that there is general and omnibus allegation against the appellants.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, (SC/ST) Act, Gaya in connection with Bodh Gaya P.S. Case No.140 of 2020, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

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

(Anjani Kumar Sharan, J)

Sanjay/-

U **T**

