

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34188 of 2014

Arising Out of PS. Case No. -65 Year- 2013 Thana -BITHAN BAZAR District- SAMASTIPUR

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Rajiv Yadav, Son of Late Fulo Yadav, R/o Village Phuhiya, P.S. Bithan,
District Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 10-02-2015

Heard both sides.

The petitioner apprehends his arrest in Bithan P.S.
Case No. 65 of 2013 for the offences under Section 376 of the
Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Ranju Devi, the complainant / informant, alleged that
the petitioner took her inside the maize field and committed rape
with her.

Learned counsel for the petitioner submits that the
victim is a widow. She had illicit relation with the elder brother of
the petitioner. The supervising authority found the allegation
under Section 376 IPC false but found the case true under Section
323 IPC and Section 3(i)(x) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

On perusal of the record, it appears that the case under Section 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the petitioner although the allegation of 376 IPC is found to be false.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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