

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2546 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -COMPLAINT CASE District- KISANGANJ

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1. Ramji Singh Yadav, S/o Kailash Singh Yadav, Resident of Village-Kopwa, P.S.- Dumraon, District- Buxar.
 2. Ramashankar Singh, S/o Mudrika Singh, Resident of Village- Kopwa, P.S.- Dumraon, District- Buxar.

.... Appellants

Versus

1. The State of Bihar
2. Soni Devi, wife of Balmiki Mochi, resident of village Rakasia, P.S. Dulhin Bazar, Paliganj, District Patna

.... Respondents

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Appearance :

For the Appellant/s : Mr. Sumeet Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-10-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Complaint Case No. 05-C of 2016 lodged for the offences punishable under Sections 376, 511 of the Indian Penal Code and 3(i)(e)(r)(s) w(i), 3(i) (e)(r)(s) w(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 5.7.2017 passed by Special Judge, SC/ST Act, Kishanganj.

Allegation against the appellants is of attempting to commit rape upon the complainant.

Submission of learned counsel for the appellants is that as a matter of fact he has lodged a case against the local MLA of Dumrao and due to that at his instance the present case has been lodged by the complainant, who happens to be resident of Dulhin



Bazar, Patna on the allegation that appellants have taken the complainant to Kishanganj for providing job to her and attempted to commit rape upon her on road itself. Further submission is that appellants are uncle and nephew and it cannot be expected that both have done the wrong upon the complainant, which falsifies the prosecution case. Further submission is that even the witnesses examined during enquiry under Section 202 Cr.P.C. are the residents of Patna and not of Kishanganj or Buxar.

Heard learned Special P.P. also, who has opposed the prayer for bail stating that cognizance has been taken under IPC as well as SC/ST Act and, as such, this appeal is not maintainable.

Having heard both sides and in view of allegation, this appeal is not maintainable, rather appellants to surrender within a period of seven weeks and pray for regular bail, which shall be considered on the basis of submissions made above as well as materials available on record, without being prejudiced by this order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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