

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.809 of 2017

Arising Out of PS.Case No. -26 Year- 2016 Thana -RAGHUNATHPUR District- SIWAN

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Keshaw Kr. Rai @ Keshaw Rai Son of Gopal Rai, resident of Village –
Nikhati Khurd, P.P. – Nikhati Kalan, P.S. Raghunathpur, District – Siwan,
Bihar.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nirmal Kumar Tripathi

For the Respondent/s : Mr. S. Paswan.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-05-2017 By way of this memo of appeal, preferred under Section 14A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities)Act, 2016, appellant seeks for setting aside the order dated 01.06.2016, passed in Raghunathpur P.S. Case No. 26 of 2016, for the offence punishable under Section 376, 511, 323, 379 Indian Penal Code and Section 3(i)(x) SC/ST(Prevention of Atrocity) Act, by the learned Additional District & Sessions Judge-I, Siwan, whereby and whereunder, appellant's application for anticipatory bail has been rejected.

Allegation against the appellant is that when the informant went to field to ease out, appellant tried to outrage her modesty but informant somehow managed to escape and thereafter, when the informant along with villagers were going to lodge a case against the appellant, the appellant along with others started abusing them and assaulted mother of the informant and in



the meantime one of the co-accused snatched the ear ring of the mother of informant.

Learned counsel for the appellant submitted that appellant has falsely been implicated in this case and no specific overt act has been attributed to him. Further from perusal of the F.I.R itself, it would appear that appellant has been made accused only due to provocation of the villagers and due to dirty village politics and further the appellant has not taken the caste name of informant, which is evident from F.I.R itself, therefore, no case under any Section of Indian Penal Code as well as under Section 3(i)(x) SC/ST(Prevention of Atrocity) Act, is made out against the appellant.

Heard learned Special Public Prosecutor also. He has opposed the prayer for pre arrest bail and submitted that there is direct allegation against the petitioner that he tried to outrage the modesty of the informant.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I find no merit in the instant appeal, accordingly, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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