

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.606 of 2018

Arising Out of PS.Case No. -1264 Year- 2015 Thana -COMPLAINT CASE District- KISANGANJ

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1. Rauf @ Rouf S/o Late Basiruddin, R/o Village- Dangibasti, P.S.-
Pothia, District- Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar.
2. Thakrani Mandal W/o Mangal Soren, R/o Village- Jharbari, P.S.-
Pothia, District- Kishanganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Firoz Ahmad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-03-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge-I, Kishanganj, in connection with Complaint Case No.1264-C of 2015 registered under Section 376 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is of commission of rape against the informant.

Submission is that there is admitted land dispute between the parties vide Annexures-5 and 6 and for that reason



false implication is there.

Learned counsel for the State informs that the cognizance has already been taken in this case. Hence, the prayer for anticipatory bail is not maintainable in view of the judgment of the Hon’ble Supreme Court passed in **Bachchu Das V. The State of Bihar and others** reported in **(2014)3 SCC 471**.

Accordingly, the appeal stands dismissed as not maintainable.

(Birendra Kumar, J)

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