

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.975 of 2019**

Arising Out of PS. Case No.-17 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

Manoj Singh @ Manoj Kumar Singh @ Neta Jee, son of Late Surendra Kumar Singh @ Late Surendra Singh Resident of Village- Badaura, P.S.- Ramgarh, District- Kaimur (Bhabhua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P. K. Shahi, Sr. Advocate. Mr. Sumeet Kumar Singh, Advocate. Mr. Gaurav Prakash, Advocate. Mr. Satyendra Prasad Singh, Advocate.
For the Informant	:	Mr. Ravi Shankar Sahay, Advocate.
For the State	:	Mr. Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

7 15-07-2019 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 07.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Kaimur at Bhabhua in Ramgarh P.S. Case No. 17 of 2019 registered under Sections 376(D) and 302 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

When the daughter of the informant arrived at CSP Branch, P.N.B., Barora to withdraw money, incharge of the said Branch namely Manoj Kumar Singh @ Neta Jee (appellant) obtained her finger print and divulged her that money could not



be withdrawn due to breakdown of server. However on getting the matter verified by her, it was learnt that money was withdrawn from her account. Then her daughter gave written information to P.S. Ramgarh. The appellant admitted withdrawal of the money before the police and assured her to return back the money. However he slated her in the name of her caste over lodging the case against him and took her to P.S. Ramgarh on motorcycle and committed rape against her along with other accused persons and subsequently eliminating her and dumped her dead body on the railway track at Bhabhua Road Railway Station.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. As a matter of fact, witness who happens to be A.S.I. of P.S. Ramgarh, in Para-97 of the case diary, has candidly stated that on getting information about some dispute regarding withdrawal of money and on approaching him by the victim, he took her to C.S.P. and met with the appellant Manoj Singh and grilled him about the transaction of the money and on making complain by the informant, the appellant divulged that due to breakdown of server, money could not be withdrawn and he underlined two



numbers on passbook to enable her to make complain. He also assured her to give her Rs.4000/- on the commitment of returning back the same to him after receiving money. Then victim uttered that she will take money from him. Whereupon informant divulged that now there is no dispute and stepping out of Branch informant chided her daughter about arriving at P.S. without asking her. Then the victim started weeping. Ultimately both informant and victim left the place. Aforesaid statement of the said witness candidly rules out the prosecution case of slating the victim in the name of her caste and also committing any occurrence against her by the appellant. Number of witnesses in the case diary have unanimously stated that the victim has jumped before Poorva Express at Bhabhua railway station and she was dashed by the engine of the train and on calling the parents of the victim, she was rushed to Trauma Centre, BHU but she succumbed to her injury on the way. Post mortem report of the victim indicates that she has sustained one stitch wound on her head and one abrasion each on her shoulder and scapular area. Doctor has also reported the cause of death as hemorrhagic shock as a result of rupture lung. Doctor has not found any sign of rape against the victim. Appellant has no criminal antecedent. Hence he may be enlarged on bail.



On the other hand, learned counsel for the informant and learned Spl. PP for the State opposing the bail petition submitted that besides other allegations, there is specific allegation of slating the victim in the name of her caste by the appellant over row of withdrawal of money from the bank, hence anticipatory bail is barred by Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Kaimur at Bhabhua in connection with Ramgarh P.S. Case No. 17 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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