

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3262 of 2019

Arising Out of PS. Case No.-287 Year-2018 Thana- BIDUPUR District- Vaishali

SHAMBHU SINGH Son of Hareshwar Singh Resident of Village - Pakauli,
P.S. - Bidupur, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chameli Devi Wife of Ramesh Das Resident of Village - Maile, P.S. - Bidupur, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-11-2019 Heard learned counsel for the appellant and learned
counsel for the respondent-State.

The appellant has challenged the order dated 25.06.2019 passed by the Additional Sessions Judge-I, Vaishali at Hajipur in A.B.P. No.1075 of 2019 in connection with SC/ST Bidupur P.S. case No.287 of 2018 registered for the offences under Sections 341, 323, 380, 366, 376, 511/34 of the Indian Penal Code and Section 3(x) of SC/ST Act, whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

Prosecution case, in short, is that while the informant was returning from Bidupur Bazar and she reached near Khilwat



Petrol Pump, the appellant and 2-3 unknown caught the informant and on the point of revolver took her in banana field and got her naked and appellant tried to commit rape with her. The further allegation is that the accused persons entered her house and damaged T.V., chowki, chair worth Rs.50,000/- and assaulted the informant.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. It is further submitted that the informant had taken Rs.2 lacs from the appellant. Said amount was given by way of cheque. When the same was demanded by the appellant and a legal notice was issued in this regard. In retaliation to the same, the present case has been instituted. Other appellants have been granted bail vide Criminal Appeal (SJ) No.319 of 2019.

On behalf of the respondent-State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to and sets aside the order dated 25.06.2019, refusing to grant anticipatory bail to the appellant.

Let the appellant, above named, in the event of arrest/surrender before the learned court below within a period



of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Vaishali at Hajipur in connection with SC/ST Bidupur P.S. case No.287 of 2018.

The appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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