

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4308 of 2018

Arising Out of PS. Case No.-148 Year-2018 Thana- BHAWANIPUR District- Purnia

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Anil Chaudhary, S/o Awadhesh Chaudhary, resident of Village- Sapha, P.S.-
Tikapatti, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-01-2019 By way of this memo of appeal, preferred under

Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes
(Prevention of Atrocities)Act, 2016, appellants seek for setting
aside the order dated 06.10.2018, passed in Bhawanipur P.S.
Case No. 148 of 2018 for the offences punishable under
Sections 376(D) of the Indian Penal Code and Section 3(1)(w)
of SC/ST Act, by the learned 1st Additional Sessions Judge cum
Special Judge, Purnea, whereby and whereunder, appellant's
application for grant of anticipatory bail has been rejected.

Allegation against the appellant is that he along with
co-accused Dilkhush Kumar Mandal lifted the informant and
committed rape on her.

It has been submitted on behalf of the appellant that e
has falsely been implicated in this case and has falsely been



made accused in this case. It has further been submitted that initially the petitioner has not been named by the informant but after four days she has also named this appellant.

Learned Special P.P. opposed the prayer for bail and submitted that the girl in her statement under Section 164 Cr.P.C. has named the appellant.

Having heard both sides, considering the facts and circumstances of the case and the allegation, I am not inclined to grant anticipatory bail to the appellant.

This application is accordingly dismissed.

However, if the appellant so desire may surrender and pray for regular bail and if any such application is filed, the court below shall decide the same on the merit of the case, without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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