

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.933 of 2020

Arising Out of PS. Case No.-355 Year-2019 Thana- DALSINGHSARAI District- Samastipur

Abhiyas Paswan @ Ravan S/o Deoraj Paswan R/o village- Bhatagawn, Ward
No. 1, P.S.- Dalsinghsarai, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Choudhary Shyam Nandan
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-11-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the order dated 29-01-2020 passed by learned A.D.J.-I cum Special Judge, Samastipur in ABP No. 88 of 2020 (arising out of Dalsinghsarai P.S. Case No. 355 of 2019, corresponding to Special Case No. 31 of 2019) registered for the offence punishable under Sections 376(D), 302, 201/34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST Act, whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 12-12-2019 at 10:00 PM, mother of the informant had gone for easing, but did not return. Thereafter, it is alleged that when informant went for her



search and reached near Bhatgaya Chaur, he saw 4-5 persons, which includes petitioner, fleeing away and the informant found his mother lying dead in naked condition.

It is submitted on behalf of appellant that appellant has been falsely implicated in this case and no such occurrence has taken place. It is further submitted that as per post-mortem report, no sign of rape was found by the doctor on the person of deceased. It is further submitted that in the inquest report, it has been stated that the dead-body was covered with cloth.

However, counsel for the State has opposed the appeal and submitted that there is specific allegation that this appellant was seen fleeing away alongwith other co-accused from the spot and deceased was found lying dead in naked condition.

In view of aforesaid facts and circumstances, I am not inclined to interfere with the order impugned, whereby the prayer for anticipatory bail was rejected, and as such, the appeal filed for grant of anticipatory bail to the appellant stands rejected.

(Prabhat Kumar Singh, J.)

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