

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1083 of 2021**

Arising Out of PS. Case No.-238 Year-2020 Thana- MAHUA District- Vaishali

-
1. RAMPRAVESH THAKUR, S/o Not written R/o village- Hidayatpur, Charwaje, Katahara O.P., P.S.- Goroul, District- Vaishali
 2. AJIT THAKUR, S/o Rampravesh Thakur R/o village- Hidayatpur, Charwaje, Katahara O.P., P.S.- Goroul, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandeep Jha, Advocate

For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-10-2021 Heard the learned counsel for the appellants.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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 bail by order dated 25.08.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with Mahua P.S. Case No.238 of 2020, registered under Sections 376/34, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989.

As per the allegation, co-accused, Sonu Kumar, on the pretext of marriage committed rape upon the informant. Sonu Kumar also used to break the marriage of the informant appraising the fact on telephone to her matrimonial inmates. It is further alleged that on the date of occurrence, Sonu Kumar and his friend, Manish Kumar brought the informant in a hut and they both had sexual contact with the informant. The allegation against the appellants are that when the informant went to complain the incident, they abused her calling her caste name.

The learned counsel for the appellants has submitted that the allegation of rape are not against the appellants. They have falsely been implicated, since appellant No.1 is father of Sonu Kumar and appellant No.2, Ajit Thakur, is brother of the Sonu Kumar. He has further submitted that these appellants have no role in the alleged occurrence and only in order to make pressure, they have been made accused.

The allegation of rape is not against the present appellants. They are close relatives of Sonu Kumar, who has committed alleged rape upon victim, as such, the provisions of Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 is not attracted prima facie in this case.

Accordingly, the Appeal is allowed and the impugned order dated 25.08.2020 is set aside.

Let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with Mahua P.S. Case No.238 of 2020.

Office shall ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

sanjeev/-

U		T	
---	--	---	--