

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1041 of 2020**

Arising Out of PS. Case No.-185 Year-2019 Thana- GOPALPUR District- Patna

1. VIKASH KUMAR @ BIKASH KUMAR Son of Vijendra Yadav @ Bijendra Prasad Resident of Village-Bodhachak, P.S-Parsabazar, District-Patna.
2. Lalan Kumar S/o Vijendra Yadav @ Bijendra Prasad Resident of Village-Bodhachak, P.S-Parsabazar, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                   |
|----------------------|---|-------------------|
| For the Appellant/s  | : | Mr.Vinod Kumar    |
| For the Respondent/s | : | Mrs.Usha Kumari 1 |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      19-02-2021                      Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

Heard learned counsel for the appellants and learned counsel for the State.

The appellants have challenged the order dated 11.12.2019 passed by learned Additional Sessions Judge -1-cum- Spl. Judge, POCSO, Patna in ABP No. 9442/19 in connection with Gopalpur P.S. Case No. 185/19 registered for the offences under sections 341, 354, 504, 376, 511, 34 of the Indian Penal Code and 3(i)(r)(s) of the SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory



bail has been rejected.

Prosecution allegation, in short, is that the accused persons tried to outrage the modesty of the informant and on protest also abused her by taking her caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case for oblique reason. There is property dispute between the parties. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 11.12.2019 passed by learned Additional Sessions Judge -1-cum- Spl. Judge, POCSO, Patna in ABP No. 9442/19 in connection with Gopalpur P.S. Case No. 185/19 by which the anticipatory bail of the appellants was rejected.

Let the appellants 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) each with  
two sureties of the like amount each to the satisfaction of  
learned Additional Sessions Judge -1-cum- Spl. Judge, POCSO,  
Patna in connection with Gopalpur P.S. Case No. 185/19.

The appeal stands allowed.

**(Sudhir Singh, J)**

Pankaj/-

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