

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.333 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- TEKARI District- Gaya

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1. RAMANUJ KUMAR, S/o Sri Vasudeo Prasad Gupta Resident of Village-ARK Dhibariya, P.S.-Tekari, District-Gaya.
 2. Ramniwash Prasad, S/o Sri Laldhari Sao Resident of Village-ARK Dhibariya, P.S.-Tekari, District-Gaya.
 3. Shakuntla Devi, W/o Vasudeo Prasad Resident of Village-ARK Dhibariya, P.S.-Tekari, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bachan Jee Ojha
For the Respondent/s	:	Mr. Surya Swetabh
For the State	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Heard Mr. Bachan Jee Ojha, learned Advocate

for the appellants and Mr. Surya Swetabh, learned

counsel for the informant. The State is represented by

Mr. Sadanand Paswan, learned Special Public Prosecutor

for the SC & ST Act.

This appeal is directed against the order

06.07.2020, passed by the learned Court of Special

Judge (POCSO Act), Gaya, in A.B.P. No. 54 of 2020,

arising out of Tekari P. S. Case No. 180 of 2020,



whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 323, 341, 342, 376, 504 and 34 of the Indian Penal Code and Section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

One Prushotam Kumar is said to have raped the daughter of the informant. When the informant and others went to protest against such act, the appellants who are related to Prushotam Kumar are said to have abused the informant and threw him out of the house.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged against the appellants. Prior to lodging of this case, another case was lodged against the informant of the present case and the subject F.I.R. is in retaliation to the earlier case.

The appellants are in minority in the locality. The informant and others do not want the appellants to



continue with their commercial activities in the locality.

Hence, the prosecution.

It has been submitted that even the accusation of rape with respect to Prushotam Kumar cannot be substantiated on facts. The statement of the victim recorded under Section 164 Cr.P.C. does not speak anything which could unerringly point towards any effort on the part of the appellants to demean the members of prosecution party.

Though, in an adroit manner, an appearance of a serious case has been given in the subject F.I.R., but the learned counsel for the appellants submits that the Court ought to see the background facts before disposing off the present appeal.

It has also been urged that Prushotam Kumar, against whom there is charge of rape, is in jail whereas another accused person with almost similar allegation has been granted regular bail by this Court.

Regard being had to the circumstances, I am



not inclined to grant anticipatory bail to the appellants.

The prayer for anticipatory bail is rejected.

However, if the appellants surrender before the court below and seek bail, all the facts noted above shall be taken into account including that one of the accused persons of this case has been granted regular bail and the court below shall pass orders in accordance with law, without being prejudiced by the fact that the present appeal on their behalf has not been entertained by this Court.

The appeal stands disposed off.

(Ashutosh Kumar, J)

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