

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3226 of 2021

Arising Out of PS. Case No.-1428 Year-2019 Thana- COMPLAINT CASE District- Jamui

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Sunil Kumar Singh @ Sunil Kumar, male, aged about 55 years, Son of Late Govind Sharma, resident of Village- Khaira, P.S.- Kawakol, P.O.- Khasari, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Paro Devi, Wife of Ramadhar Manjhi, resident of Village- Bardih, P.S.- Sikandra, District- Jamui.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sandeep Kumar, Sr. Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-09-2021 Heard Mr. Sandeep Kumar, the learned Senior Advocate for the appellant and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 12.07.2021 passed by the learned Addl. District Judge-I, Jamui in connection with S.C./S.T. Case No. 14 of 2020,



arising out of Complaint Case No. 1428(C) of 2019, instituted for the offences under Section 376 of the Indian Penal Code and Sections 3(xii) and 2(v) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation in the complaint petition is of the appellant having raped the prosecutrix and taken her photographs in her state of dishabiliment.

Mr. Sandeep Kumar, the learned Senior Advocate for the appellant has submitted that the case is absolutely false. In support of the aforesaid contention, he raises the following points:

He submits that the occurrence is dated 01.09.2019, but the complaint in that regard has been filed 07.09.2019. He further submits that the appellant is a differently abled person and requires additional support for carrying his day-to-day work. In a road accident, the appellant lost his entire family, viz., his wife, son and daughter and in the litigation for compensation, he is being pressurized by one Shailendra Mahto for withdrawing his



claim. It has been submitted that the complainant and the witnesses are associates of aforesaid Shailendra Mahto. The owner and the driver of the vehicle are different persons, but the complaint has been lodged because of the machination of aforesaid Shailendra Mahto. A case has been lodged by the appellant against aforesaid Shailendra Mahto for having threatened him for withdrawing his claim for compensation.

However, regard being had to the nature of accusation in the complaint petition and the deposition of the witnesses in the inquiry under Section 202 of the Cr.P.C, I am not inclined to interfere with the order impugned in the present appeal whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

The appeal is dismissed.

However, if the appellant surrenders before the Court below and seeks bail, his application shall be considered on its own merits, after taking into account all the grounds noted-above especially the delay in lodging the complaint; physical disability of the appellant and other background facts and an order shall be passed without being



prejudiced by the fact that the present appeal on his behalf
has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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