

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1970 of 2020

Arising Out of PS. Case No.-198 Year-2020 Thana- SIKARPUR District- West Champaran

SATENDRA KUMAR YADAV @ SATENDRA YADAV @ SATENDRA
KUMAR Son of Sury Yadav Resident of Village - Vikrampur, Ward no. 5
(Barai Tola, Rajpur), P.S. - Shikarpur, District - West Champaran at Bettiah.
... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Parwej Khan

For the Respondent/s : Mr. Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 17.08.2020 passed by learned 1st Additional District and Sessions Judge cum Special Judge SC/ST, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 198/2020 registered for the offences punishable under Sections 341/323/376/511/504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 28.04.2020, while the informant was alone in her house at 10 P.M., this appellant entered into the house of the appellant and tried to commit rape on her. It is further alleged that after some time the appellant along with



FIR named accused person came armed with Lathi and Danda and assaulted the informant and this appellant is alleged to have assaulted the informant by iron-rod.

It is submitted on behalf of the appellant that the appellant has been falsely implicated in this case due to village politics. It is further submitted that earlier a dispute took place with the informant's side over the issue of plucking mangoes and destroying wheat's crops. It is next submitted that injuries are simple in nature and the appellant has got clean antecedents.

However, learned Special P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that there is specific allegation of attempt to rape against this appellant and the appellant has caused injury by hard and blunt substance on the person of the informant.

Considering the aforesaid facts and circumstances as well as nature of allegation, I am not inclined to grant bail to this appellant. It is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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