

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3440 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- RAGHUNATHPUR District- Siwan

1. Sandeep Kumar @ Sandeep Kumar Rajbhar, Son of Late Birendra Rajbhar, Resident of Village- Mahrauli, P.S.- Raghunathpur, District- Siwan.
2. Abhishek Rajbhar @ Abhishak Rajbhar, Son of Bhrigunath Rajbhar, Resident of Village- Mahrauli, P.S.- Raghunathpur, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-11-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of regular bail vide order dated 16.07.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Raghunathpur P.S. Case No.73 of 2021, registered under Section 376(D) of the Indian Penal Code and Sections 3(1) (r) (s) of the SC/ST Act.

The allegation against the appellants is that the appellants committed rape with the informant.



Learned counsel for the appellants submits that there is general and omnibus allegation against the appellants. It is further submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 21.09.2021, passed in Criminal Appeal (SJ) No.3180 of 2021. Appellants are in custody since 23.06.2021 and they have got no criminal antecedent as stated in paragraph-3 of the memo of appeal.

Learned Special P.P. opposed the prayer for bail of the appellants and submitted that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case.

Having considered the facts aforesaid, I am not inclined to enlarge the appellants on bail. The prayer for bail of the appellants is rejected for the present.

(Anjani Kumar Sharan, J.)

Sanjay/-

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