

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.290 of 2021**

Arising Out of PS. Case No.-250 Year-2014 Thana- KHODAWANDPUR District-
Begusarai

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BINAY KUMAR SAHNI @ BINARY KUMAR SAHNI S/O Asharfi Sahni
Resident of Vill. - Bara, P.S. Khodawandpur, Dist. - Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Binode Bariar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-06-2021

Heard Mr. Kumar Binode Bariar, learned counsel

for the appellant and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

This appeal is directed against the order dated
15.10.2020 passed by the learned Special Judge, SC/ST
(POA) Act, Begusarai in connection with Khodawandpur P.S.
Case No. 250 of 2014, whereby the prayer made on behalf
of the appellant for grant of anticipatory bail for the offences
under Sections 376/511,323, 452 of the Indian Penal Code
and Section 3(1)(X) of SC/ST (POA) Act has been rejected.

It has been urged on behalf of the appellant that



though there is an allegation against the appellant of attempting to commit rape on the prosecutrix and his being caught by the villagers in flagrante delicto but the accusation is absolutely false. The appellant has dispute with respect to a plot of land with the husband of the prosecutrix and a Title Suit No. 10/2005 is pending between the parties. A proceeding under Section 144 Cr.P.C. also has been initiated between the appellant and the agnates of the husband of the prosecutrix.

It has, therefore, been urged that no offence under anyone of the provisions of the SC/ST (POA) Act, can at all be said to have been made out against the appellant.

Considering the afore-noted submissions and background facts, this appeal is allowed.

The order dated 15.10.2020 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai is set aside.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before



the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai, in connection with Khodawandpur P.S. Case No. 250 of 2014.

(Ashutosh Kumar, J)

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