

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.814 of 2021

Arising Out of PS. Case No.-667 Year-2020 Thana- NAWADA District- Nawada

1. RAKESH KUMAR, aged about 26 years, Male, Son of Raju Kumar Singh, Resident of Village - Dobharapar, P.S. - Bundelkhand, District - Nawadah.
2. RAJESH KUMAR @ GORE, aged about 24 years, Male, Son of Raju Kumar Singh, Resident of Village - Dobharapar, P.S. - Bundelkhand, District - Nawadah.
3. BIKKI SINGH @ VICKY SINGH, aged about 22 years, Male, Son of Raju Kumar Singh, Resident of Village - Dobharapar, P.S. - Bundelkhand, District - Nawadah.
4. SUMIT KUMAR, aged about 20 years, Male, Son of Raju Kumar Singh, Resident of Village - Dobharapar, P.S. - Bundelkhand, District - Nawadah.
5. RAJU KUMAR SINGH, aged about 54 years, Male, Son of Late Mahadeo Singh, Resident of Village-Dobharapar, P.S.-Bundelkhand, District-Nawadah.

... .. Appellants

Versus

The state of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Ram Prawesh Kumar, Advocate.
For the Respondent	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The matter relates to grant of anticipatory bail to the
appellants in A.B.P. No. 1153 of 2020 in connection with
Nawadah (Bundelkhand) P.S. Case No. 667 of 2020, registered



for the offences under Sections 447, 448, 341, 323, 354, 379, 504 and 506/34 of the I.P.C. and 3(1)(r)(s) of the SC/ST Act.

The prosecution case, in short, is that on the alleged date and time of occurrence, accused persons entered into the house of the informant, assaulted and threw her on the earth by catching hold of her hair and appellants nos. 1 to 4 for the purpose of committing rape, torn her Blouse and when Pratima Kumari and Seema Kumari came to save her, they also assaulted them and torn their clothes. They also assaulted the Dewar of the informant and took Rs. 3,00,000/-and jewellery worth of Rs. 2,00,000/- and also given threatening to kill her if any case is lodged and also used the language of caste name.

It has been submitted on behalf of the appellants that the appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is case and counter case between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the



appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09.11.2020, passed in A.B.P. No. 1153 of 2020 in connection with Nawadah (Bundelkhand) P.S. Case No. 667 of 2020 by learned Additional District and Sessions Judge-Ist-cum-Special Judge, Nawadah, is set aside. The criminal appeal is allowed.

Accordingly, the appellants above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-Ist-cum-Special Judge, Nawadah, in connection with Nawadah (Bundelkhand) P.S. Case No. 667 of 2020.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

