

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2142 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA P.S. District- Bhojpur

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Dhananjay Yadav @ Dhananjay Kumar @ Dhanjay Kumar Singh Son of Late
Ram Akbal Yadav @ Ram Ekbal Singh Resident of Village - Dihari
(Mastawania), P.O.- Asani, P.S.- Udwanthnagar, District - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Bahadur Paswan Son of Baijnath paswan Resident of Village - Dihari
(Mastawania), P.O.- Asani, P.S.- Udwanthnagar, District - Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nagendra Upadhyay
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-09-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf
of the appellant for grant of anticipatory bail against the order
dated 26.05.2022 passed by learned Additional District &
Sessions Judge VI, Bhojpur, Ara in connection with Ara Mahila
P.S. Case No. 18 of 2022 under Section 376 of the Indian Penal
Code, section 8 of the POCSO Act and section 3(i)(r)(s), 3(2)
(va) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, 1989, whereby the prayer for anticipatory bail
of the appellant was rejected.

As per the FIR, this appellant took the victim girl to



an isolated place and sexually assaulted her.

It is submitted on behalf of the appellant that appellant has falsely been implicated in this case due to enmity. There is no eye-witness of the occurrence. FIR has been lodged by the father of victim girl. The medical report also does not support the prosecution case. No case under SC/ST Act is made out, as there is no allegation of abusing by calling caste name of the informant. Appellant has got clean antecedent.

Counsel for State vehemently opposed the prayer for bail.

Considering the aforesaid facts and the fact that there is specific and direct allegation of commission of rape against this appellant, I am not inclined to enlarge the appellant above-named on anticipatory bail.

Accordingly, this appeal stands dismissed.

(Prabhat Kumar Singh, J)

vinita/-

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