

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2147 of 2022**

Arising Out of PS. Case No.-77 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

Jitendra Paswan @ Jeetu Paswan Son of Jagarnath Paswan Resident of
Village - Motipur, P.S.- Motipur, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nachiketa Jha
For the Respondent/s : Mr.A.G

**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 07.05.2022 passed by learned Additional District & Sessions Judge I-cum-Special Judge (SC/ST Act), Muzaffarpur in connection with Mahila P.S. Case No. 77 of 2021 under Sections, 341, 342, 376(D)/34 of the Indian Penal Code and section 3(i)(w)(i) 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 along with other co-accused persons forcibly took the informant to the house of Jagdish Sah and committed gang rape with her.



It is submitted on behalf of the appellant that appellant has falsely been implicated in this case due to *mala fide* intention. FIR has been lodged after delay of three days without any explanation. The doctor has not found any sign of rape on the person of informant. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellant has got clean antecedent.

Counsel for State vehemently opposed the prayer for bail.

Considering the aforesaid facts, nature and gravity of offence, I am not inclined to enlarge the appellant above-named on anticipatory bail.

Accordingly, this appeal stands dismissed.

(Prabhat Kumar Singh, J)

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