

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1460 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- MAHINDWARA District- Sitamarhi

DASHRATH RAY SON OF RAJENDRA RAY R/O VILLAGE- BALUA
KAHARAHUA, P.S- MAHINDWARA, DIST- SITAMARHI

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kishore Sinha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.09.2022, learned
Spl.P.P. for the State informed the respondent no.2/informant
about her appearance in this case through the local police but
nobody has entered appearance on her behalf.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
09.10.2020, passed by learned ADJ VI cum Special Judge,
Sitamarhi, in connection with Mahindwara P.S. Case No.86 of
2020, registered u/s 363, 366(A)/376/504/34 of the IPC, 4/6
POCSO Act and sections 3(1)(xi)(xii) of the SC/ST Act.



Allegedly, the F.I.R. named accused persons including the appellant is said to have abducted the daughter of informant, who was raped by one Awadhesh Rai. Thereafter, her daughter was taken to Banaras by Awadhesh Rai for the purpose of marrying, where all started calling her by caste name and giving threats to not go to the police station. Somehow, she managed to escape and the present case was lodged thereafter.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. Appellant has no criminal antecedent. It is submitted that there is an inordinate delay of 18 days in lodging the F.I.R. without giving any plausible explanation, which creates doubt about the prosecution case. It is further submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against him to abuse the informant or her daughter by taking caste name rather the allegation is general and omnibus in nature and the appellant is aged about 70 years.

Learned Spl. PP for the State opposed the prayer for bail by submitting that the victim has supported the prosecution case in her statement recorded u/s 164 Cr.P.C.



Considering the statement of the victim recorded u/s 164 Cr.P.C., I am not inclined to enlarge the appellant on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

This appeal is accordingly dismissed.

(Anjani Kumar Sharan, J)

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