

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4010 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- SC/ST District- Patna

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1. SUJEET SINGH S/o Sri Gaya Prasad Singh @ Gaya Singh R/o Village-Badki Mahammadpur, Post- Sabnima, P.S.- Bakhtiyarpur, District- Patna.
 2. Karu Singh @ Ritesh Kumar S/o Sri Anuj Singh @ Anuj Singh R/o Village-Badki Mahammadpur, Post- Sabnima, P.S.- Bakhtiyarpur, District- Patna.
 3. Raushan Singh @ Raushan Kumar S/o Sri Sunil Singh @ Sunil Kumar Singh @ Sunil Singh R/o Village- Badki Mahammadpur, Post- Sabnima, P.S.- Bakhtiyarpur, District- Patna.

... .. Appellants

Versus

1. The State of Bihar
2. Nitu Devi Wife of Jitendra Paswan At Barki Muhmadpur, P.O.- Sabnima, P.S.- Bakhtiyarpur Dist- Patna.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Himanshu Ranjan
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 06-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants. None appeared on behalf of the informant in spite of service of notice.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 17.08.2021 passed by the learned A.D.J.-



III.cum-Special Judge SC/ST, Patna in A.B.P. No. 5369 of 2021 arising out of SC/ST P.S. Case No. 37 of 2020, registered for the offences punishable under Sections 376/511 of the Indian Penal Code & Sections 3(i)W)(i)(ii)/3(2)(v)/3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

The case has been lodged on the basis of complaint filed by the complainant Nitu Devi. As per allegation made in complaint petition co-accused persons who are not the appellants were teasing the complainant. On 11.09.2018 the accused persons snatched Rs. 3,000/- from the husband of the complainant and on 19.09.2018, co-accused persons committed rape upon her.

Learned counsel for the appellants has submitted that there is a specific allegation on accused nos. 1, 2, 4 and 6 of outraging the modesty of the complainant. The allegation against the appellants are general and omnibus and they are the persons of clean antecedents.

As such, the appeal is allowed and the impugned order dated 17.08.2021 passed by the learned A.D.J.-III-cum-Special Judge SC/ST, Patna is set aside.

Accordingly, in the event of arrest or surrender within



four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-III-cum-Special Judge SC/ST, Patna in connection with SC/ST P.S. Case No. 37 of 2020.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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