

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4339 of 2021**

Arising Out of PS. Case No.-279 Year-2020 Thana- KORHA District- Katihar

RAJEEV GHOSH @ RAJU GHOSH @ RAJEEV KUMAR GHOSH S/o
NATHU GHOSH R/o AHIMACHAK, WARD No.3, P.S - KORHA,
DISTRICT-KATIHAR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari I, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-09-2022 Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 14.09.2022 in A.B.P. No. 38 of 2020 passed by the learned 7th Additional Sessions Judge-cum-Special Judge, Katihar in connection with Korha P.S. Case No. 279 of 2020 registered under Sections 341, 323, 379, 354/34 of the Indian Penal Code, Section 8 of the POCSO Act as well as Sections 3(r)(s)(w)(i) of the SC/ST Act.

Learned counsel for the appellant submits that appellant is a person with clean antecedent.

The informant alleges that the appellant in absence



of the informant entered her house and tried to commit rape with her daughter and when the informant came she saw that appellant was holding her daughter and her clothes were torn. Further she raised alarm on which neighbours came and locked the appellant in the house thereafter the relatives of the appellant came and also assaulted the informant and Pinki Devi snatched her chain.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case as earlier the appellant had instituted Korha P.S. Case No. 274 of 2020, dated 15.06.2020 against the present informant, her husband and other family members alleging that he was intercepted, assaulted and his hand was fractured. It is further submitted that with a view to falsely implicate the appellant, the informant instituted the present case by way of afterthought. It is next submitted that police after investigation submitted final form in favour of the appellant but the learned trial court differing with the police report took cognizance. Learned counsel thus submits that when one investigating agency after carrying out threadbare investigation came to a considered conclusion that the case is false then there was absolutely no material in the case diary to connect the appellant with the



offence but still cognizance has been taken in a mechanical manner.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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