

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3665 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- BELSAND District- Sitamarhi

1. PRINCE KUMAR S/o Sri Yugal Kishore Singh @ Jugal Kishore Singh R/v-
Bhorhan Tola Gausnagar, P.S- Belsand, District- Sitamarhi
2. PUSHPAK KUMAR S/o Sri Yugal Kishore Singh @ Jugal Kishore Singh
R/v- Bhorhan Tola Gausnagar, P.S- Belsand, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

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 30.09.2022 in A.B.P. No. 2221 of 2022/ 109/2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Belsand P.S. Case No. 95 of 2022 registered for the offences punishable under Sections 341, 323, 325, 354(A)(B), 504, 506 and 34 of the Indian Penal Code as well as Sections



3(1)(r)(s) of the SC/ST Act.

The informant alleges that on 18.07.2022 at 12:30 am, Prince Kumar and Pushpak Kumar came and tried to rape her, further on alarm they tried to flee, it is next alleged that in the meantime, other named accused persons came and assaulted her by an iron rod causing injury on head and also abused and assaulted her mother.

Learned counsel for the appellants submits that the appellant no. 1 has antecedent of one case and appellant no. 2 is a person with clean antecedent and have been falsely implicated in the present case, it is next submitted that though it is alleged that she was assaulted but then the allegation of assault is not specific, it is further submitted that even the informant does not disclose where she received injury, it is next submitted that as far as allegation against Prince and Pushpak is concerned, the allegation is of attempt to rape. Learned counsel next submits that from perusal of the allegation as alleged in the FIR it would manifest that no reason or motive for the occurrence has been assigned that as to why the appellants would come and attempt to rape the informant. Learned counsel further submits that appellants have land in the village of the informant measuring about 8 *bigha* and the informant does not have land and thus to



create pressure on the family members of the appellants the present false case alleging attempt has been instituted. Learned counsel also submits that appellant no. 1 is aged about 19 years and appellant no. 2 is aged about 24 years, it is next submitted that appellants will not evade the law rather will cooperate in the investigation and will present themselves as and when required by the investigating officer of the case.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 30.09.2022 in A.B.P. No. 2221 of 2022/ 109/2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Belsand P.S. Case No. 95 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Belsand P.S. Case No. 95 of 2022 subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

In the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the appellants despite giving assurance to this Court are not cooperating in the investigation or are not presenting themselves when called by any, the learned trial Court after giving an opportunity of hearing to the appellants shall pass orders in accordance with law and shall also be entitled to cancel the bail bonds of the appellants.

The learned trial Court is directed to send the copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

GauravSinha/-

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