

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.798 of 2022**

Arising Out of PS. Case No.-29 Year-2021 Thana- SC/ST District- Kaimur (Bhabua)

Rabhvendra Pratap Singh @ Vikash Singh @ Raghwendra Pratap Singh @
Raghvendra Pratap Singh Son of Ranjeet Singh Resident of Village-
Godasara, P.S.- Nuaow, District- Kaimur (Bhabhua).

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Ram Son of Ramashish Ram Resident of Village-Godasara,P.S-
Nuaow,District-Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar Singh
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 05-04-2023 Heard learned counsel for the appellant 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 24.01.2022 passed by learned Additional District & Sessions Judge I-cum-Special Judge, Kaimur at Bhabhua in connection with SC/ST Bhabhua P.S. Case No. 29 of 2021 under Sections 341, 323, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(va) 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 prosecution case, there is allegation of



commission of assault and abuse against all the FIR named accused persons including this appellant.

It is submitted on behalf of the appellants that allegations levelled against appellant are false and fabricated and he has committed no offence. No specific overt act has been alleged against this appellant. As per the FIR the alleged incident took place in field (*Chaur*) lonely place which does not come under the public view and as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

Counsel for respondent no. 2 however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 24.01.2022 passed by learned Additional District & Sessions Judge I-cum-Special Judge, Kaimur at Bhabhua is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge I-cum-Special Judge, Kaimur at Bhabhua in



connection with SC/ST Bhabhua P.S. Case No. 29 of 2021.

(Prabhat Kumar Singh, J)

vinita/-

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