

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1918 of 2021**

Arising Out of PS. Case No.-279 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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GOPAL MAHTO Son of Late Palton Mahto Resident of Village - Dumari
Thari, Police Station - Bounshi, District - Banka.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Meera Devi Prasadi Paswan R/O Village- Navtoliya, P.S.- Rajaon, Dist.-
Banka.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vikramdeo Singh, Advocate Mr. Arjun Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 03.11.2021, notice was issued to
respondent no.2. The office points out that respondent no.2 has
died and the notice was received by husband of respondent no.2.

In view of the fact aforesaid, the notice issued to
respondent no.2 is treated to be validly served.

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 of anticipatory bail vide order dated
19.12.2020, passed by learned Additional District and Sessions



Judge-III-cum-Special Judge, (SC/ST Act), Bhagalpur in connection with Kotwali (Barari) P.S. Case No.279 of 2019, registered under Section 376 of the Indian Penal Code and Sections 3 (2) (v) of the SC/ST Act.

The appellant is said to have committed rape with the informant.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Considering the nature of allegation made against the appellant, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the appellant is hereby rejected.

(Anjani Kumar Sharan, J)

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