

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1354 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- SC/ST District- Sheohar

MD. LALBABU @ HEDATULLAH SON OF MD. ABDUL VADUD
RESIDENT OF BASAHIA SHEIKH, WARD NO 08, P.S- PIPRAHI, DIST-
SHEOHAR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Mina Devi Bechan Thakur Village-Bachahia Sheikh, P.S.-Piprahi, District-
Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Jubair Ansari, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2023 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appeal is directed against the order dated 22.03.2022 passed in A.B.P. No. 126 of 2020 by the Additional Sessions Judge cum Special Judge, Sheohar arising out of Sheohar SC/ST P.S. Case No. 02 of 2022 for the offence registered under Sections 323, 452, 376, 504 and 506 of the Indian Penal Code and Section 3(I) (r) (b), 3 (2) (va) of the SC/ST (prevention of Atrocities) Act whereby and where anticipatory bail of the appellant was rejected.

As per the allegation, the victim girl alleged that after taking her photographs, he started blackmailing her and at a



lonely place, allegation is that he raped her and further threatened her that if she narrates this occurrence to anyone not only the photograph will be made viral, her son and husband will also have to face consequences as such on that day, she did not tell anyone about the occurrence.

This emboldened him and he repeatedly started raping her and allegation is that on 02.01.2022, when she was at home, he again entered his house and tried to rape her and when the husband of the informant came and confronted the accused, her husband was assaulted and the appellant also took her caste name. Accordingly, the FIR was lodged.

Learned counsel for the appellant submits that so far as the caste name is concerned, the lady belongs to OBC category and as such, the appeal is maintainable. Further, the entire story has been exaggerated just to implicate him as earlier her husband was serving under the accused persons.

Learned counsel for the informant, on the other hand, has provided a copy of the order passed by the learned Additional Session Judge-I-Cum-Special Judge, Sheohar to show that the case has been found to be true, charge sheet submitted, cognizance taken and further process under Sections 82 and 83 of Cr.P.C. have also been issued against the appellant.



Considering the aforesaid allegation that has come against the appellant as also the fact that lots of water has flown out the Ganges inasmuch as the process under Section 82 and 83 of the Cr.P.C. have been initiated against him, no relief can be granted and the appeal stands dismissed.

(Rajiv Roy, J)

Jagdish/Neha/-

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