

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1824 of 2023

Arising Out of PS. Case No.-557 Year-2022 Thana- KAHALGAON District- Bhagalpur

LABU RAY @ CHHOTU RAY @ CHHOTE LAL RAY SON OF LATE
RAJENDRA RAY Resident of village - Salimpur Saini, P.S. - Kahalgaon,
Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Dodi Paswan, son of Late Hori Paswan, resident of village Salimpur Saini,
P.S. Kahalgaon, District Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Davendra Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State assisted by learned

counsel for the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 04.03.2023 passed by learned Additional
Sessions Judge-VII-cum Special Judge POCSO Court,
Bhagalpur in connection with Kahalgaon P.S. Case No. 557 of
2022 registered under Sections 376, 504 & 506/34 of the Indian
Penal Code, Section 4 of the POCSO Act and Section 3(1) (r)
(s) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act.

3. It is alleged that daughter of the informant is said to have sexually assaulted by the appellant since two years and when he approached the family members of the appellant to make complain, they abused him by taking his caste name.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

5. Learned Spl. PP assisted by learned counsel for the respondent no.2 vehemently opposed the prayer for bail.

6. In the facts and circumstances of the case and the nature of the allegation, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

7. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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