

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4287 of 2021

Arising Out of PS. Case No.-167 Year-2019 Thana- RAMPUR District- Gaya

1. Mithlesh Kumar, S/O Naresh Prasad Dangi @ Naresh Mahto Resident Of Aurutola, Ghughri Tand, P.S.- Hunterganj, District- Chatra (Jharkhand)
2. Naresh Prasad Dangi @ Naresh Mahto, S/O Laxmi Mahto Resident Of Aurutola, Ghughri Tand, P.S.- Hunterganj, District- Chatra (Jharkhand)
3. Pati Devi @ Patiya Devi, W/O Naresh Prasad Dangi @ Naresh Mahto Resident Of Aurutola, Ghughri Tand, P.S.- Hunterganj, District- Chatra (Jharkhand)
4. Nand Lal Mahto, S/O Muni Mahto Resident Of Village- Sonpur Bigha, P.S.- Hunterganj, District- Chatra (Jharkhand)
5. Krishna Mahto, S/O Muni Mahto Resident Of Village- Sonpur Bigha, P.S.- Hunterganj, District- Chatra (Jharkhand)

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarita Kumari, Daughter of Sitaram Das Resident of village-Pananiya,P.S-Imamganj,District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-07-2023 1. Heard learned counsel for the appellants and the
learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 31.08.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P. S. Case No.167 of 2019, instituted for the offences under Sections 376, 504/ 34 of the Indian Penal Code and Section 3(i)(r)(s)(w),(i) and 3(a)(v) (a) of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned Special P. P. submits that in terms of the order dated 18.05.2023, the Superintendent of Police of the concerned District was informed the informant that his presence is required in the case.

4. The service of notice is deemed valid.

5. No one appears on behalf of the informant.

6. The learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on pretext of marriage, Rakesh Kumar established physical relation with her for six months and thereafter, when she asked him to marry, he put vermilion on her forehead and fraudulently represented himself to be a member of same caste, to which the informant belongs.

7. The learned counsel for the appellants submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the thrust of allegation is against Rakesh Kumar and the appellants, being elder-brother, father, mother and maternal uncle of Rakesh Kumar, they have been implicated with allegation that they threatened the informant.

8. The learned counsel next submits that from perusal



of the allegation, it would manifest that even presuming what has been alleged is true without admitting, then the occurrence had not taken place in public view, nor the F.I.R. even remotely suggests that the occurrence as alleged against the appellants was witnessed by any witness.

9. The learned Special P. P. opposes the bail application.

10. Regard being had to the aforesaid submissions, the order dated 31.08.2021 is set-aside.

11. The appeal stands allowed.

12. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P. S. Case No.167 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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