

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.608 of 2024

Arising Out of PS. Case No.-942 Year-2023 Thana- BARACHATTI District- Gaya

Hussain Imam Khan Son of Late Rayees Imam Khan R/o Village- Itawan, P.S
Mohanpur, District Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajmatiya Devi W/o Krishna Manjhi R/o Pirachak, P.S. - Mohanpur, Distt. -
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghib Ahsan, Sr. Advocate Mr. Ashar Akhtar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 None appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 08.12.2023 passed by learned Exclusive Special
Judge, SC/ST Special Court, Gaya in ABP No. 411 of 2023 in
connection with Barachatti (Mohanpur) P.S. Case No. 942 of
2023, instituted under Sections 420, 406, 354(B), 506, 341/34 of
the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) and 3(2)(va)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of
appellant has been rejected.



4. As per prosecution case, on 27.04.2023 at about 4 PM, this appellant entered the house of informant and abused her by caste name and disrobed her. Further allegation is that on 20.05.2023 at about 8 PM, this appellant, along with one other accused person, tried to commit rape with informant.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. As a matter of fact, there is admitted land dispute between the parties for which mutation cases are pending before learned court below. It is further submitted that appellants have already filed a writ bearing CWJC No. 3295 of 2024 for cancellation of *Parcha* which has illegally been issued in favour of informant. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Judge, SC/ST Special Court, Gaya in ABP No. 411 of 2023 in connection with Barachatti (Mohanpur) P.S. Case No. 942 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 08.12.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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