

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.520 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- DURAULI District- Siwan

Rahul Singh @ Dhanu Kumar Singh @ Dhanu Singh Son of Jata Singh @
Jata Shankar Singh R/o vill - Darauli, P.s - Darauli, Dist.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Khusboo Kumari D/o Parshuram Gond R/o vill - Darauli, P.S. - Darauli,
Distt. - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Kumari Anupam, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Despite valid service of notice, 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 06.11.2023 passed by learned Additional District
Judge-I-cum-Special Court, Siwan in ABP No. 2389 of 2023 in
connection with Darauli P.S. Case No. 240 of 2023, instituted
under Sections 417, 376 of the Indian Penal Code and Sections
3(i)(r)(w), 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, appellant is alleged to have established physical relationship with informant on the pretext of marriage and when informant asked him to solemnize marriage, appellant abused informant by caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. During medical examination, age of the victim was assessed 22 years and there was no evidence of sexual assault. 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. Appellant claims clean antecedent.

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 Additional District Judge-I-cum-Special Court, Siwan in connection with Darauli P.S. Case No. 240 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 06.11.2023 is set aside with respect to this



appellant only.

(Prabhat Kumar Singh, J)

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