

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.778 of 2024

Arising Out of PS. Case No.-262 Year-2022 Thana- GAYA MUFASIL District- Gaya

Chhotu Thakur @ Dhiraj Kumar @ Chhotu Thakurr SON OF NARESH
THAKUR Resident of Mohalla- Manpur Kurmi Tola, P.S.- Muffasil, District-
Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi Wife Of Sanjay Paswan Resident Of Village- Awgila Pahadtali,
Bhui Tola, Ps- Muffasil, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-05-2024 Heard learned counsel for the appellant, informant
and learned Special P.P for the State.

The appellant has challenged the order dated
16.10.2023 passed by learned Exclusive Special Judge
(SC/ST Act), Gaya in connection with Muffasil P.S. Case No.
262 of 2022. instituted for the offences punishable under
Sections 452, 147, 148, 149, 323, 376, 386, 511, 506, 504
of the Indian Penal Code and Sections 3(1)(r) of the SC &
ST Act whereby his prayer for being released on
anticipatory bail has been rejected.

As per prosecution case, the informant alleged that



the appellant and co-accused forcibly entered her room and tried to outrage her modesty and also committed theft of valuable articles in her home and fled away.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant has not committed any offence and there is also no specific allegation levelled against him. The appellant has not taken her caste name in public view, so no provisions under SC/ST Act was made out against the appellant. The appellant is languishing in custody since 12.09.2023. Similarly situated co-accused, Suraj Kumar @ Baudha has already been granted bail vide order dated 04.01.2024, passed in Cr. Appeal (SJ) No. 4633 of 2023 by this Court. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 16.10.2023 passed by learned Exclusive Special Judge (SC/ST), Gaya in



connection with Muffasil P.S. Case No. 262 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released 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), Gaya in connection with Muffasil P.S. Case No. 262 of 2022.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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