

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4481 of 2023

In
CRIMINAL MISCELLANEOUS No.51465 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

Neeraj Kumar @ Neeraj Kumar Yadav @ Guddu @ Guddu Yadav Son Of
Prakash Yadav @ Jay Prakash Kumar Village- Ganga Bigha Ps- Rajauli Dist-
Nawada

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ritik Kumar son of Upendra Rajwanshi Village- Badhar Ps- Rajauli Dist-
Nawada

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 04-12-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for anticipatory bail
vide order dated 18.07.2023 passed by the learned Addl. District
& Sessions Judge Vith-cum-Special Judge, POCSO, Nawada in
A.B.P. No. 1935/2023 arising out of Rajauli P.S. Case No.
137/2023 dated 03.03.2023 registered for the offences
punishable u/ss 143, 147, 149, 341, 323, 354A, 354B, 307, 504
and 506 of the Indian Penal Code, Section 27 of the Arms Act



and Sections 3(i)(r)(s)/3(2)(v) of the SC/ST Act.

3. As per the prosecution case, when the three girls of the informant side went to attend call of nature, the petitioner and the co-accused persons along with 30 unknown persons tried to outrage their modesty and pulled their *duppatta* forcibly and abused them by taking their caste name. When the family members of the informant went to rescue, they started firing due to that Sonu Rajbansi and Shibu Ram sustained injuries.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The other co-accused person has already been granted bail by this court *vide* order dated 06.11.2023 passed in Cr. Misc. No. 65310/2023. There is general and omnibus allegation against the appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of



the case, the impugned order dated 18.07.2023 passed by the learned Addl. District & Sessions Judge Vith-cum-Special Judge, POCSO, Nawada in A.B.P. No. 1935/2023 arising out of Rajauli P.S. Case No. 137/2023, is set aside against the appellant. The criminal appeal is allowed.

6. Accordingly, the above named appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 18.07.2023 passed by the learned Addl. District & Sessions Judge Vith-cum-Special Judge, POCSO, Nawada in A.B.P. No. 1935/2023 arising out of Rajauli P.S. Case No. 137/2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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