

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5503 of 2023

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

Dilip Yadav Son of Late Keshar Yadav Village- Gangabigha, P.S.- Rajauli,
District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Ritik Kumar SON OF Upendra Rajbanshi Village- Barhar, P.S.- Rajauli,
District- Nawada

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

4 03-05-2024 Heard learned counsel for the appellant and learned Spl.
P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 09.11.2023 passed by the learned Additional District & Sessions Judge- VI cum-Special Judge (POCSO), Nawada in connection with Rajauli P.S. Case No. 137 of 2023, registered for the alleged offences under Sections 143, 147, 149, 341, 323, 354A, 354B, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and section 3(i)(r)(s)/3(2)(v) of the S.C./S.T. Act.

3. As per the prosecution case, when the three girls of the informant side went to attend call of nature, the appellant and the co-



accused persons along with 30 unknown persons tried to outrage their modesty and pulled their *duppatta* forcibly and abused them by calling 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 submitted that the appellant is innocent and has falsely been implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the appeal. There is no specific allegation of firing against this appellant.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 09.11.2023 passed by the learned Additional District & Sessions Judge- VI- cum-Special Judge (POCSO), Nawada in connection with Rajauli P.S. Case No. 137 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event



of his arrest/ 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 learned Additional District & Sessions Judge- VI- cum-Special Judge (POCSO), Nawada in connection with Rajauli P.S. Case No. 137 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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