

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL APPEAL (SJ) No.319 of 2024**

Arising Out of PS. Case No.-293 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

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1. Om Prakash Choubey Son Of Late Muktinath Choubey Resident Of Village - Natiya Bahuara, P.S. - Kudra, District - Kaimur at Bhabhua
  2. Punam Devi Wife Of Om Prakash Chaubey Resident Of Village - Natiya Bahuara, P.S. - Kudra, District - Kaimur at Bhabhua
  3. Lucky Chaubey @ Aryan Choubey Son of Om Prakash Chaubey Resident Of Village - Natiya Bahuara, P.S. - Kudra, District - Kaimur at Bhabhua
- ... .. Appellant/s

Versus

1. The State of Bihar
  2. Anju Devi, Wife of Jai Prakash Ram, Resident of Village - Kalyanpur, P.S. - Durgawati, District - Kaimur at Bhabhua
- ... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Subhash Kumar Tiwari, Advocate  
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

6      04-12-2025                      Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Opposite Party No. 2.

2. This appeal has been filed for setting aside the order dated 07.11.2023 passed by Learned Additional District and Sessions Judge-cum-Special Judge SC/ST (Prevention of



Atrocities) Act, Kaimur at Bhabhua in A.B.P. No. 1359/2023, arising out of Durgawati P.S. Case No. 293/2023, registered for the offences punishable under Sections 363, 341, 342, 376, 328, 504, 506, 34 of the Indian Penal Code read with Section 3(1)(r)(s)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of this appellants has been rejected.

3. In the F.I.R., the informant has alleged that on 30.06.2023 Yash Choubey forcibly took her daughter on a motorcycle and made physical relation with her and thereafter he took her daughter to Gujarat and used to establish physical relation with her daughter regularly. Yash Choubey also made video of physical relation and threatened to get the video viral. When the informant went to the house of accused Yash Choubey, the appellants abused her and taking caste name threatened her.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. Specific allegation of commission of rape is against co-accused Yash Choubey who is already in custody. Petitioner No. 1 is father, Petitioner No. 2 is mother and Petitioner No. 3 is brother of the accused Yash Choubey. No specific allegation of



assault is there against the appellants. It is further submitted that the allegation does not come within the purview of the provisions of SC/ST (Prevention of Atrocities) Act because there is no allegation that the same has been committed at public place. Appellants claim clean antecedent.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the informant/Opposite Party No. 2 vehemently opposed the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 07.11.2023 passed by learned Additional District and Sessions Judge-cum-Special Judge SC/ST (Prevention of Atrocities) Act, Kaimur at Bhabhua in A.B.P. No. 1359/2023, arising out of Durgawati P.S. Case No. 293/2023 is, hereby, set aside and this criminal appeal is allowed.

7. In the event of arrest/surrender before the court below within a period of eight weeks from today, let the above named appellants be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge SC/ST (Prevention of Atrocities) Act, Kaimur at Bhabhua in connection with



Durgawati P.S. Case No. 293/2023, subject to the conditions as  
laid down under Section 438(2) of the Cr.P.C.

**(Prabhat Kumar Singh, J)**

P.K.P./-

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