

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1017 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- RAFIGANJ District- Aurangabad

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- 1 . Ravindra Yadav son of Ramkrit Yadav Villages- Dhosiila Kala PS-Rafiganj District-Aurangabad, Bihar
 2. Ramkrit Yadav son of Late Chaudhary Yadav Villages- Dhosiila Kala PS-Rafiganj District-Aurangabad, Bihar
 - 3 . Saroj Devi @ Saroja Devi wife of Ravindra Yadav Villages- Dhosiila Kala PS-Rafiganj District-Aurangabad, Bihar

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Kunti Devi wife of Arvind Chaudhary Village- Dhosiila Kal Ps- Rafiganj Dist- Aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lalbahadur Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-11-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 24.01.2024 passed in a case registered for the offence punishable under sections 341, 323, 506, 354, 376, 511 of IPC whereas Charge sheet has been submitted u/s 341, 323, 354, 504, 506/34 of IPC and section 3(i) (r) (s)/2(1)/3(2)(va) of SC/ST (POA) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , informant namely, Kunti devi alleged that appellant No. 1 attempted to rape upon the informant. It is further alleged that accused persons assaulted informant and appellant Nos. 2 and 3 abused informant by caste name .

4. It is submitted on behalf of appellants that appellants are innocent and have committed no offence as alleged. Allegation is general and omnibus against them. There is inordinate delay of more than 1 month in lodging the F.I.R. for which there is no explanation which itself creates doubt over the veracity of entire prosecution . Though, there is allegation of assault but there is no injury report on record. It is submitted that the offence was not committed only on the ground that the informant was a member of Schedule caste and schedule tribes and as such , no case under SC / ST Act is made out against these appellants. Appellants claim clean antecedent.

5 . Learned special public prosecutor for the State opposed the bail and submitted that specific accusation of attempting to commit rape is against appellant No. 1 and as such, prayer for pre – arrest bail of appellant No. 1 is fit to be dismissed.

6. Considering the seriousness and nature of



accusation , the bail appeal with respect to appellant No. 1 is hereby rejected.

7. Considering the aforesaid facts, clean antecedent of appellants and other circumstances of the case , this appeal is allowed with respect to appellant Nos. 2 and 3 and the impugned order is set aside. Let the appellant Nos. 2 and 3 named above , in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District & Sessions Judge Aurangabad, Bihar in connection with Rafiganj Police Station Case No. 337 of 2023 .

(Prabhat Kumar Singh, J)

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