

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1517 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- PARSA District- Saran

Raushan Rai @ Raushan Kumar son of Late Rajdeo Rai Resident of Village-
Bir Kuwari, P.S.- Parsa, Dist.- Saran

... .. Appellant/s

Versus

- 1 . The State of Bihar Patna
2. Mohan Ram Son of Jai Shiv Ram Resident of village- Baksanda, P.S.- Parsa,
District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Mili Kumari , Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 16-01-2025 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 29.02.2024 passed in a case registered for the offence
punishable under section 365 and other allied sections of the
Indian Penal Code and sections 3 (i)(r) (s) of the Scheduled
Castes and Scheduled Tribes Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

3 . The prosecution case , in brief, is that on the alleged
date and time of occurrence , on 25.07.2023 at about 04.00 AM
Kajal Kumari, daughter of the informant had gone to attend the
call of nature , in the meantime she was kidnapped by this



appellant. It is further alleged that when family members of informant went to the house of appellant to make enquiry , appellant abused them by caste name and also threatened with dire consequences.

4. It is submitted that appellant is innocent and committed no offence as alleged. Specific accusation of abused by caste name is against other co-accused persons. The victim was examined under Section 164 Cr. P C wherein she has denied the prosecution case and categorically stated that she is married woman and she herself went to the house of her Mausi at Delhi and did not whisper anything against this appellant. Court below has assessed the age of the victim as 18 years. Appellant claims clean antecedent.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellant.

6. Considering the 164 Cr. P C statement of the victim, clean antecedent of the appellant and other circumstances of the case , this appeal is allowed and the impugned order is set aside. Let the appellant, 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 SC / ST Exclusive special Judge , Saran Chapra in connection with Parsa Police Station Case No. 245 of 2023 .

(Prabhat Kumar Singh, J)

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