

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2670 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- POTHIIYA District- Kishanganj

1. Md. Jamil S/O Dhola Kacchu R/O Mohala-Ghora Ghota Chota Suhagi Ward no.14, Burhnai, P.S.-Pothia, Distt-Kishanganj
2. Saheb Ansari S/O Sainul Ansari R/O Mohala-Ghora Ghota Chota Suhagi Ward no.14, Burhnai, P.S.-Pothia, Distt-Kishanganj

... .. Appellant/s

Versus

The State of Bihar & Anr.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Diwakar Sinha , Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-09-2025 Heard learned counsel appearing for the appellants and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 04.04.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Kishanganj in a case registered for the offence punishable under Sections 341, 323, 354, 354A, 354B, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(w)(i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has



been rejected.

4. As per prosecution case, allegation against these appellants, in nutshell, is that they tried to outrage the modesty of the informant, abused her by caste name and also tried to commit rape with her.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, informant had taken a loan of Rs. 50,000/- from these appellants with an assurance that she will return the same within one month but after lapse of one month when the appellants demanded their money, this false and concocted case has been lodged only with a view to digest the loan amount. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal and submitted that appellants are named in the F.I.R. with specific accusation of taking advantage of the situation and place when the informant was fishing, these appellants came and outraged



her modesty, tried to commit rape with her and abused her by caste name.

7. Considering the facts and circumstances of the case and specific and direct nature of accusations, appellants’ prayer for grant of pre-arrest bail is rejected and this appeal stands dismissed.

(Prabhat Kumar Singh, J)

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