

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2971 of 2025

Arising Out of PS. Case No.-1496 Year-2024 Thana- PHULWARISHARIF District- Patna

MUKKU YADAV @ MUKKU KUMAR @ MUKESH KUMAR @
MUKESH RAY S/o Anup Ray R/o Goriya Dera, Alampur Gonpura, P.S.-
Janipur, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Budhu Manjhi R/o Dhuparchak Musahari, P.s.- Phulwari Sharif, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Anupam Bahadur, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. This appeal has been filed for setting aside order dated 21.05.2025 passed in a case registered for the offence punishable under Section 70(1) of the B.N.S. and Section 3(II) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 31.09.2024, this appellant, along with co-accused persons, forcibly entered the house of informant and on the point of pistol, committed rape. It is alleged that earlier, this appellant,



on the pretext of providing government job, took Rs. 5,70,000/- from the informant through online mode and thereafter, gave a fake joining letter. It is further alleged that the accused persons also abused informant by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant has falsely been implicated in this case with ulterior motive. 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 the appellant.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal and submitted that appellant is named in the F.I.R. with specific accusation that he, on the pretext of providing job, took Rs. 5,70,000/- from the informant and thereafter, gave a fake joining letter. It is further alleged that this appellant, along with co-accused person, forcibly entered the house of informant and on the point of pistol, committed rape and abused by caste name. Appellant has got one criminal antecedent.

6. Considering the facts and circumstances of the case



and specific and direct nature of accusation, the prayer for grant of pre-arrest bail to the appellant is rejected and this appeal is dismissed.

(Prabhat Kumar Singh, J)

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