

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.122 of 2024

Arising Out of PS. Case No.-46 Year-2022 Thana- RAMPUR District- Gaya

DEEPAK KUMAR SON OF MANOJ KUMAR SINGH @ MANOJ SINGH
MOHALLA -GEWAL BIGHA, PAIN PAR, PS -RAMPUR DIST- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SHANTI DEVI WIFE OF RAJKUMAR MANJHI MOHALLA -GEWAL
BIGHA PAIN PAR PS -RAMPUR DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2025 Heard learned counsel appearing for the appellant 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 29.11.2023 passed in a case registered for the offence
punishable under Sections 337, 354, 504 and 506 of the Indian
Penal Code and Section 3(i)(r)(s)(w)(ii) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, whereby
the prayer for grant of anticipatory bail to the appellant has been
rejected.

4. As per prosecution case, it is alleged that co-



accused Rahul Kumar sexually assaulted daughter of informant and when she went to complaint, all the F.I.R. named accused persons, including this appellant, assaulted informant and others and abused them by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of sexual assault is against co-accused Rahul Kumar. There is no allegation for the offence under Section 354 of the Indian Penal Code against this appellant. As a matter of fact, appellant has falsely been implicated in this case merely because he happens to be brother of co-accused Rahul Kumar. 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. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the



impugned order dated 29.11.2023 passed by the learned Exclusive Special Judge, SC/ST, Special Court, Gaya in connection with A.B.P. No. 385 of 2023 arising out of Rampur P.S. Case No. 46 of 2022 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with Rampur P.S. Case No. 46 of 2022.

(Prabhat Kumar Singh, J)

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