

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.989 of 2016

Arising Out of PS.Case No. -213 Year- 2016 Thana -FATUHA District- PATNA

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Ranjit Singh @ Ranji Singh, son of Late Ram Eqbal Singh, Resident of
Village- Naraina, P.S. –Fatuha, District Patna

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Respondent/s : Mr. Binay Krishna, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-11-2016 The appellant is an accused of offence punishable under Sections 376 and 506/34 of the Indian Penal Code and Section 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in Fatuha P.S. Case No. 213 of 2016. He is aggrieved by an order dated 09.08.2016 passed by learned Special Judge, SC/ST Act, Patna whereby his application for regular bail has been rejected.

The appellant is in custody since 13.07.2016.

Referring to the First Information Report, learned counsel appearing on behalf of the appellant has submitted that though there is specific allegation of overt act against co-accused Mantu Kumar Yadav, there is no such allegation against the appellant in the First Information Report. It has also been submitted that the manner of occurrence as alleged in the First



Information Report is improbable.

Learned counsel appearing on behalf of the informant has opposed this appeal and has submitted that in her statement under Section 164 of the Cr.P.C., the prosecutrix has said that the appellant also played active role in commission of the offence.

Upon perusal of the First Information Report, I find that learned counsel for the appellant is correct in his submission that there is no specific allegation against this appellant and the manner in which the allegation has been made raises a reasonable suspicion. The statement of the victim recorded under Section 164 of the Cr.P.C. is an apparent attempt to improve the allegation made in the First Information Report.

Considering the above, I am of the view that the appellant deserves to be released on bail, there being no apparent material to show that he will be fleeing from the course of trial if released on bail. Accordingly, the impugned order dated 09.08.2016 passed by Special Judge, S.C./S.T. Act, Patna is hereby, set aside.

Let the appellant, above-named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in



connection with Special Case No. 98 of 2016 arising out of Fatuha
P.S. Case No. 213 of 2016.

This is subject to the condition that the appellant
shall present himself before the police/Court, as the case may be,
as and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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