

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.837 of 2018

Arising Out of PS.Case No. -509 Year- 2017 Thana -PURNEA SADAR District- PURNIA

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1. Gopal Sah @ Gopal Bishwas, son of Nawthu Sah, resident of Village-
Ratan Soti, P.S.- Kasba, District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijendra Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea, in connection with Special SC/ST Case No.220 of 2017, arising out of Sadar Police Station Case No.509 of 2017 registered under Section 376/34 of the Indian Penal Code and Section 3(iii)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant has alleged that the appellant and co-accused Navneet Kumar allegedly committed rape against her.

Submission is that during trial the informant was



examined as P.W.1 and she has not alleged that anyone had ravished her.

Considering the statement of the victim during trial, produced along with the supplementary affidavit, and fate of the trial, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

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