

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1157 of 2018

Arising Out of PS.Case No. -328 Year- 2017 Thana -SIKTI District- ARRARIA

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1. Madan Sada, Son of Late Jatru Sada, resident of Village- Satber, Ward No. 07,
P.S.- Sikti (Bardaha), District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-05-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in Special Case No. 336 of 2017 arising out of Sikty (Bardaha) P.S. Case No. 328 of 2017 registered under Sections 341, 323, 354B, 376(11)(g) of the Indian Penal Code as well as Section 3(e)2(v) of the SC/ST Act.

According to FIR, about four months prior to the lodging of the case, the appellant and two others allegedly committed rape against the informant.

Learned counsel for the appellant submits that the informant had illicit relation with some one and on the complained of the



husband of the informant, the villagers allegedly assaulted to the informant, got her hair cut away and publicly the informant was humiliated thereafter, FIR has been lodged. There is no explanation for such delayed information to the police of such a serious occurrence. In the circumstances of the case, there is no support of medical evidence nor any witness including the husband of the victim, has supported the allegation. The appellant is cousin father-in-law and other co-accused is cousin Dewar of the informant.

Considering the fact that there is no substantial material to substantiate the allegation of the informant in the case diary, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation and 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

