

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2420 of 2018

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

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1. Ajay Sada@ Ajay Kumar Sada Son of late Manilal Sada R/o Vill.- Satber, Ward
No. 8 P.S.- Bardaha, District- Araria. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Gopal Kumar Jha, Adv

For the Respondent/s : Smt.Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-09-2018

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 order dated 14.06.2018 in Special Case No.336 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Sikty (Bardaha) P.S. Case No. 328 of 2017 registered under Sections 341, 323, 354B, 376 (II) (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 complaint 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/- (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 both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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