

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3887 of 2018

Arising Out of PS. Case No.-240 Year-2018 Thana- NAUBATPUR District- Patna

Deo Raj Indra @ Deoraj Indra, S/o Indubhusan Prasad @ Shri Indu Bhushan Prasad, resident of Village - Nisarpura Lakh, P.S.- Naubatpur, District Patna.
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mahendra Prasad Bhartee
For the Respondent/s : Mr. Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 27-11-2018

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 vide order dated 04.09.2018 in Special Case No. 255 of 2018 passed by the learned 4th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Naubatpur P.S. Case No. 240 of 2018 registered under Section 376D of the Indian Penal Code and Section 67 of the Information Technology Act as well as Section 3(2)(v) of the SC/ST Act.

According to FIR, four accused persons named in the FIR allegedly committed rape against the informant and the appellant prepared a videograph of the same. The occurrence



took place when Ramayan Manjhi was at the nearby place. The matter was not reported to the police and Ramayan Manjhi married with the informant subsequently. Later on, when the videograph became viral, the FIR was lodged.

Submission of the learned counsel for the appellant is that entire false and concocted allegation is there at the instance of Ramayan Manjhi. There was no reason to not to report the matter to the police when such a serious offence was committed against the informant, especially, in presence of Ramayan Manjhi with whom informant married subsequently.

Finding substance in the submission of learned counsel for the appellant that the factual position creates doubt on the prosecution version as well as considering non-disclosure of the matter at the earliest opportunity until the same got viral, 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall



be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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