

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3043 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Sanjay Kr. Singh @ Sanjay Singh Son of Lal Babu Singh, Resident of
Village-Lodipur Chakawana, P.S. Town Hajipur, District-Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-01-2018

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, SC/ST, Vaishali at Hajipur in

Desari (Sahdei O.P.) P.S. Case No. 39 of 2017 registered under

Sections 120B/376(2)(G), 302 of the Indian Penal Code, Section

4, 8 of the Protection of Children from Sexual Offenses Act, 2012

as well as Section 3(1)(w)3(2)(v)3(2)(ra) of the SC/ST Act.

According to FIR, initially, rape was committed
against minor daughter of the informant and soon thereafter she
was throttled to death. When the informant saw dead body in the
field side with the help of others, two persons were apprehended
when they were fleeing from there and the appellant managed his



escape. The arrested person disclosed the name of this appellant. It is surprising that a female was also arrested, who was mother-in-law of co-accused Mahendra Singh and mother of this appellant with allegation that she was involved in the occurrence. The appellant was arrested from his house on the very next day of the occurrence and on medical examination nothing was found to substantiate that the appellant had committed the rape. Similarly, no such sign was found on the person of co-accused Mahendra Singh.

Submission of the learned counsel for the appellant is that besides suspicion due to old enmity, there is no other material in the case diary. Moreover, it is not believable that mother of the appellant and mother-in-law of another co-accused Mahendra Singh would be there to get the offence of rape committed by the appellant against the minor girl.

Considering the aforesaid facts, 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, this appeal stands allowed.

(Birendra Kumar, J)

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