

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.611 of 2019**

Arising Out of PS. Case No.-45 Year-2018 Thana- MAHILA P.S. District- Madhepura

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SANTOSH SINGH @ SANTOSH KUMAR, aged about 35 years, (Male)
Son of Harinder Singh @ Harendra Narayan Singh @ Harendra Singh R/o
Village- Paraukia, P.S- Gwalpara, Distt- Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pawan Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 28-03-2019 Heard the parties.

This is an appeal under Section 14(A) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 28.01.2018 passed by learned Special Judge S.C./S.T. Act, Madhepura, in connection with Madhepura Mahila P.S. Case No. 45 of 2018 (SC/ST Case No. 180 of 2018), registered under Sections 376, 506, 34 of the Indian Penal Code and Section 3 (i) (w) of SC /ST (P.O.A.) Act.

Informant has alleged that in the midnight of 08.08.2018 the appellant committed rape with her in absence of her husband. It has been alleged that victim had been operated for family planning and the stitch done was ruptured due to



rape committed by appellant.

It has been submitted on behalf of appellant that the incident is of 08.08.2018 whereas FIR has been instituted on 18.08.2018. There is no plausible explanation for the unexplained delay. During investigation it has come that complainant has refused to give the medical report to the I.O. It has been submitted that appellant has been dragged in this case due to dirty village politics and land dispute between the husband of informant and sister of appellant. Appellant is having no criminal antecedent. The victim was subjected to medical examination on 18.08.2018 in which it has been reported that she has been subjected to recent intercourse i.e. after coming of her husband. Appellant has no criminal antecedent and is in custody since 22.01.2019.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- (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, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

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