

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.772 of 2019**

Arising Out of PS. Case No.-102 Year-2016 Thana- MAHILA P.S. District- Madhubani

Pankaj Kumar Singh @ Pankaj Singh, Son of Nand Singh @ Nandeshwar Singh, Resident of Village- Hanuman Nagar, P.S.- Khutauna, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gagan Deo Yadav

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 06-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 10.01.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge (SC/ST Act), Madhubani in Mahila P.S. Case
No. 102 of 2016 registered under Section 376(D) of the Indian
Penal Code, Sections 3(i)(w), 3(ii)(va) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act and Section
67 I.T. Act.

Appellant along with three named and two
unknown miscreants are said to have committed rape against the
informant by taking her in a room while she had stepped out of



the house for defecation in the night of 11.11.2016 and dumped her in the bamboo clump located behind her house.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. Occurrence is said to be of 11.11.2016 and after committing the occurrence informant was dumped behind her house on the following day of the occurrence, but F.I.R. was lodged after inordinate and abnormal delay of one month and three days on 14.12.2016 without assigning any plausible and convincing explanation for the aforesaid delay. Statement of the informant under Section 164 Cr.P.C. was also recorded after one month and five days of the occurrence and moreover in her statement recorded under Section 164 Cr.P.C. she has stated about committing rape against her by five persons but she has not named any of the perpetrator of the offence. There is no eye witness of the occurrence. Appellant has no criminal antecedent and has been languishing in custody since 20.11.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Madhubani in connection with Mahila P.S. Case No. 102 of 2016 with condition that (1) the appellant will not tamper with the evidence. (2) He will extend all sorts of cooperation in conclusion of the trial. (3) He will appear before the learned Trial Court on each and every date fixed in the case and on his absence on two consecutive dates without any genuine reason to the satisfaction of the learned court below, the court below shall be at liberty to cancel his bail bonds.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.05.2019
Transmission Date	08.05.2019

