

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.830 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- PUNPUN District- Patna

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Sani Kumar Son of Jitendra Kumar Resident of Village- Baraypur, P.S.-
Punpun, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Kumar
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL JUDGMENT

Date : 06-05-2019

Heard learned counsel for the appellant and
learned Special Public Prosecutor 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 04.02.2019 passed by learned Special Judge
(SC/ST Act), Patna in Special Case No. 224 of 2018,
arising out of Punpun P.S. Case No.126 of 2018 registered
under Sections 376-D of the Indian Penal Code and
Section 3(2)(v) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Appellant along with other accused persons
are said to have committed rape against the informant in



the poultry farm.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. The informant in her statement recorded under Section 164 Cr.P.C. has not named the appellant and on medical examination the doctor has not found any sign of sexual assault against the victim. The informant during the course of trial and the husband of the informant, who happens to be eye witness of the occurrence, have not supported the prosecution case and both have turned hostile. The appellant has no criminal antecedent and has been languishing in custody since 19.05.2018.

Learned Special Public Prosecutor 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in connection with Special Case No.224 of 2018,



arising out of Punpun P.S. Case No.126 of 2018.

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

(Prakash Chandra Jaiswal, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
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