

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.972 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- MAJORGANJ District- Sitamarhi

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RANJIT CHAUDHARY aged about 35 years Gender-Male Son of Kishuni
Chaudhary Resident of Village - Hirolwa, P.S.- Majorganj, Distt.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-03-2019 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 against the refusal of prayer for bail by order dated 06.02.20219 passed by learned **1st Additional Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi**, in connection with **Majorgnaj P.S. Case No. 373 of 2018** registered under Sections 341, 323, 325, 376 of the IPC and Section 3(r)(s)(w)(i)(ii) of SC/ST (Prevention of Atrocities) Act.

Informant in her fardbeyan has alleged that in the night of 22/23.09.2018, while she was sleeping in her room along with her sons then appellant entered through window and



committed rape upon her and in the meanwhile her child woke up and started shouting and people gathered there and apprehended the appellant and handed over to the police.

It has been submitted on behalf of the appellant that allegation of committing rape is false and victim was subjected to medical examination in the same night and no sign of any rape or sexual assault has been found on the person of victim. It has been further submitted on behalf of appellant that during investigation it has come that petitioner and victim had very good and intimate relation and when they were caught by the villagers the present case has been instituted. Appellant has got no criminal antecedent and is in custody since 24.09.2018.

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/- 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



the Court and his absence on two consecutive dates without sufficient reason, 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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