

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1892 of 2019

Arising Out of PS. Case No.-314 Year-2018 Thana- SIKARPUR District- West Champaran

1. Ritesh Kumar @ Ritesh Son of bal bachan Bari Resident of Village - D.K. Shikarpur, P.S.- Shikarpur, Distt - West Champaran.
2. Prawesh Mahto Son of Jhaplal Mahto @ Jhaplal Kamkar Resident of Village - D.K. Shikarpur, P.S.- Shikarpur, Distt - West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No. 7

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The appellants seek pre-arrest bail in connection with Shikarpur P.S. Case No.314 of 2018 registered under Sections 341, 342, 323, 354, 354-B, 354-C, 509-B & 307/34 of the Indian Penal Code and Section 3 (1) (r) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

Four accused persons including the appellants are said to have made video of the daughter of the informant by taking her to the sugarcane field and made it viral on whatsapp and seeing the aforesaid video the victim fell senseless.

It is submitted by learned counsel for the



appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics to botch up their career as they happen to be students. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of making video of the victim by making her nude and moreover the victim is said to have fallen senseless witnessing the said video on the spot but there was no mobile phone with the victim at the place of occurrence which creates serious doubt about the prosecution case. There is an inordinate delay of three days in filing the F.I.R. without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah



in connection with Shikarpur P.S. Case No.314 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

