

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2047 of 2019

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

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Raj Kumar Giri @ Santosh Kumar Son of Arbind Giri Resident of Village -
Braipur, P.S.- Punpun, Dist.- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rina Sinha

For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 21-06-2019 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 18.03.2019 passed by learned Special Judge, SC/ST Act,
Patna in Punpun P.S. Case No. 126 of 2018 registered under
Section 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 appellant that
no such occurrence as alleged ever took place. Appellant has



been falsely implicated in this case due to dirty village politics. The informant in her statement recorded under Section 164 Cr.P.C. has not named the appellant in the occurrence. Doctor has not found any sign of sexual assault against the victim on her medical examination. 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 informant has candidly denied to have given any statement under Section 164 Cr.P.C. before the police. Confessional statement of appellant has no evidentiary value in the eye of law. Appellant has no criminal antecedent and has been languishing in custody since 17.05.2018. Similarly situated co-accused, namely, Sani Kumar has been enlarged on bail by this Court vide order dated 06.05.2019 passed in Cr. Appeal (SJ) No. 830 of 2019 while accused Simpu Kumar and Harendra Giri @ Chegu have been enlarged on bail by the court below.

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 learned Special Judge, SC/ST Act, Patna in connection with Punpun P.S. Case No. 126 of 2018.

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

(Prakash Chandra Jaiswal, J)

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