

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1976 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- BHAWANIPUR District- Purnia

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RANJIT MANDAL S/o Ramdeo Mandal Resident of Village- Sapaha, P.S.-
Tikapatti, District- Purnia.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mukesh Kumar Jha

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

Appellant seeks bail in a case registered under
Sections 376(D)/34 of the Indian Penal Code and Sections 3(i)
(w) of the SC/ST Act.

Accused Dilkhush Kumar along with one unknown
miscreant are said to have taken the informant in the field of
Tola Sharma and gagging her mouth committed rape against her.
In the statement recorded under Section 164 Cr.P.C., victim has
named the appellant as the person who stood on guard on



motorcycle at some distance from the place of occurrence.

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. He is not named in the F.I.R. There is no allegation of sexual assault against the appellant. As per the F.I.R., there were two accused persons who committed rape against the informant but subsequently informant has added the name of the appellant in the occurrence as the person who stood on guard at a distance on motorcycle during the course of the occurrence due to ulterior motive. None of the eye witness has supported the presence of the appellant in the vicinity of the place of occurrence. Appellant has no criminal antecedent and has been languishing in custody since 09.02.2019.

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, Purnea in connection with Special SC/ST Case No. 130/18



arising out of Bhawanipur P.S. Case No. 148 of 2018.

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

(Prakash Chandra Jaiswal, J)

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