

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3361 of 2019

Arising Out of PS. Case No.-328 Year-2017 Thana- SIKTI District- Araria

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UMESH SARDAR Son of Late Srilal Sardar R/o Village- Satber, Ward No. 07, P.S.- Bardaha (Sikti), District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Advocate. Mr. Sanjay Kumar Sharma, Advocate.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-09-2019 Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 26.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in Sikti (Bardaha) P.S. Case No. 328 of 2017 registered under Sections 341, 323, 354B and 376(ii)(g) of the Indian Penal Code and Sections 3(e)(2)(v) of the SC/ST Act.

Appellant along with two other accused persons namely Ajay Sada and Madan Sada committed rape against the informant intruding into her house on the point of knife four months back but the villagers slagging off against her to her husband and twenty one accused persons blaming her as



characterless woman tonsured her hair and smeared black paint, etc. on her face and publicly humiliated her.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case by the informant due to ulterior motive. There is inordinate delay of 4 months in lodging the F.I.R. against the appellant without assigning any plausible and convincing explanation for the aforesaid delay. As a matter of fact, informant was having illicit relation with some other person of the village and on complaint of the husband of the informant, villagers allegedly assaulted her and tonsured her hair and publicly humiliated her, whereupon informant has lodged this false and frivolous case against the appellant with altogether wrong and concocted allegation. Neither any medical evidence nor any witness including the husband of the informant has supported the allegation levelled against the appellant. Appellant has no criminal antecedent and has been languishing in custody since 26.06.2019. Similarly situated co-accused, namely, Madan Sada and Ajay Sada have been enlarged on bail by a co-ordinate bench of this court vide order dated 14.05.2018 and 04.09.2018 passed in Cr. Appeal (SJ) Nos. 1157 of 2018 and 2420 of 2018 respectively.



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 Chief Judicial Magistrate, Araria in connection with Sikty (Bardaha) P.S. Case No. 328 of 2017 with condition that the appellant shall fully cooperate with the trial of the case, failing which learned lower court shall be at liberty to cancel the bail bond of the appellant.

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

(Prakash Chandra Jaiswal, J)

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