

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.403 of 2020

Arising Out of PS. Case No.-516 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

SAJAN KUMAR, aged about 22 years, Male, Son of Asharfi Mahton,
Resident of Village - Mubarakpur, Ward No. 6, P.S.- Muffasil, Distt -
Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Abhay Kumar Jha, Advocate.
For the Respondent : Mr.Usha Kumari-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 27-05-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the parties.

The matter relates to grant of bail to the appellant in
connection with Muffasil P.S. Case No. 516 of 2019 (G.R. No.
861 of 2019) registered for the offences under Sections 376 (D),
506/34 of the I.P.C. and Section 3 (2)(v) of the SC/ST (POA)
Act.

The prosecution case, in short, is that on 05.10.2019
the informant due to some dispute with her mother, at about
6.30 P.M. in the evening, she proceeded from village Chilmil for



Begusarai without saying anything to any one at about 8.00 O'clock in the night when she was at Savitri Cinema Hall, Begusarai and at that time a driver of e-rickshaw came to her and forcibly seated her in his e-rickshaw and committed rape upon her. The said driver called another person, namely, Ravindra and one more person and handed over to them and then Ravinder also committed rape upon her and thereafter both the persons pushed her into a ditch filled with water and any how she came at village Sankh and narrated the story to the villagers and then police came and recorded her statement.

It has been submitted on behalf of the appellant that the appellant is in custody since 07.10.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellant. The victim has been examined under Section 164 Cr. P.C. She has not named the appellant. Except for suspicion, there is no substantive evidence to suggest the implication of the appellant in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 03.01.2020, passed by learned Special Judge, SC/ST



(POA) Act, Begusarai, in connection with Muffasil P.S. Case No. 516 of 2019 (G.R. No. 861 of 2019), is set aside. The criminal appeal is allowed.

Considering the facts and circumstances of the case and also the lockdown, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai, in connection with Muffasil P.S. Case No. 516 of 2019 (G.R. No. 861 of 2019).

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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