

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1235 of 2020

Arising Out of PS. Case No.-241 Year-2019 Thana- CHHATAPUR District- Supaul

MD. AFROJ son of Md. Hafijul, r/v-Manganj, East, PS-Triveniganj, district -
Supaul

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf
of the appellant for grant of anticipatory bail against the order
dated 08.01.2020 passed by learned Additional Sessions Judge
Ist-cum-Special Judge SC and ST Act, Supaul in connection
with Chhatapur P.S. Case No. 241 of 2019 under Sections 376,
506 and 34 of the Indian Penal Code and section 3(i)(r) of the
SC/ST Act whereby the prayer for anticipatory bail of the
appellant was rejected.

Prosecution case in brief is that on 30.08.2019 while
the informant was going to her Sasural from Maikhe and waiting



for tempo, in the meantime, petitioner is alleged to have taken the informant to an isolated place and committed rape upon her. FIR has been lodged after delay of four days.

It is submitted on behalf of the appellant that appellant is innocent and has committed no offence. From perusal of 164 statement of victim, there is complete denial from her earlier version. Medical report also not supports the prosecution case. There is no sign of rape. Allegation of abusing by calling her caste name is also not correct.

Considering aforesaid facts, this appeal is allowed. The impugned order dated 08.01.2020 passed by learned Additional Sessions Judge Ist-cum-Special Judge SC and ST Act, Supaul is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, 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 Additional Sessions Judge I-cum-Special Judge SC and SC Act, Supaul in connection with Chhatapur P.S. Case No. 241 of 2019, subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure.

(Prabhat Kumar Singh, J)

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