

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1306 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- BALIGAON District- Vaishali

Md. Shami @ Laddan Son of Abbu Khair @ Abul Khair @ Mohan Mian
Resident of Village - Kawadih, P.S.- Baligao, Distt - Vaishali.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachchida Nand Choudhary, Advocate

For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-06-2020 Heard learned counsel for the appellant and learned
APP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 12.03.2020 passed in Special Case (SC/ST) no. 25 of 2020 (arising out of Baligaon P.S. Case no. 14 of 2020 registered under section 376 of the Indian Penal Code and section 3(ii)(w) (i)(r)(s) of the SC/ST (POA) Act) whereby the learned Additional Sessions Judge I-cum- Special Judge, SC/ST, Hajipur, Vaishali was pleased to reject the prayer for regular bail of the appellant and for grant of regular bail to the appellant in the above case.

As per allegation in the FIR, it is stated by the informant that on the pretext of picking up the fire wood the appellant took the informant to his house and committed rape on her. Thereafter it is stated that he threatened the informant with dire consequences in case she narrated about the occurrence to any person.

It is submitted by learned counsel for the appellant that the allegation as levelled in the FIR are false. It is



further submitted that from the statement of the informant recorded under section 164 Cr.PC it would transpire that she categorically stated that no rape was committed on her. It is further submitted that the allegations are also not supported in the medical report which is brought on record as Annexure 3 to the petition. The appellant has no criminal antecedent and is in custody since 18.2.2020.

The appeal is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the statement of the victim under section 164 Cr.P.C together with the injury report, the Court is inclined to allow this appeal. The order dated 12.03.2020 passed in Special Case (SC/ST) no. 25 of 2020 (arising out of Baligaon P.S. Case no. 14 of 2020) by the learned Additional Sessions Judge 1st -cum-Special Judge, SC/ST (POA) Act, Hajipur, Vaishali is hereby set aside and the appeal is allowed. The appellant is directed to be enlarged on bail in connection with Special Case (SC/ST) no. 25 of 2020 (arising out of Baligaon P.S. Case no. 14 of 2020) 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 1st -cum-Special Judge, SC/ST (POA) Act, Hajipur, Vaishali.

(Partha Sarthy, J)

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