

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2982 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- SC/ST District- Katihar

Bechan Mandal Son of Jageshwar Mandal, Resident of Village-Sohatha Ghat,
P.S.-Falka, District-Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi, wife of Rawan Singh resident of village- Babarbanna P.S.-Falka
Dist-Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suresh Prasad Sah @ Baranwal
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

8 22-05-2020 Heard learned counsel appearing for the appellant as well as learned Special Public Prosecutor for the State through video conferencing.

This criminal appeal has been preferred under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 against the order dated 13.6.2019 passed by the learned 1st Additional Sessions Judge – cum – Special Judge, Katihar in S.C. & S.T. P.S. Case No. 51/2018 / G.R. No. 5383/2018 by which and whereunder the learned Special Judge refused to enlarge the appellant on bail.

The respondent No. 2 filed complaint case which was converted into above stated S.C. & S.T. P.S. Case No. 51/2018.



The respondent No. 2 claimed in her complaint petition that the appellant used to rape her since long and had taken Rs. 3,30,000/- on credit from her and when she asked to return the aforesaid amount, the appellant assaulted her and again committed rape on her.

The appellant was remanded in the above stated case on 25.5.2019 and since then he is languishing in jail custody.

The learned court below rejected the bail prayer of the appellant taking note of the allegation levelled in complaint petition as well as in statement of respondent No. 2 recorded under Section 164 of the Cr.P.C..

From perusal of complaint petition as well as statement of respondent No. 2 recorded under Section 164 Cr.P.C., I find that there is vital contradiction between both the statements on the point of rape. Moreover, the appellant has, sufficiently, been punished by remaining in jail custody since long.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this criminal appeal is allowed and, accordingly, impugned order dated 13.6.2019 passed by the learned 1st Additional Sessions Judge – cum – Special Judge, Katihar in S.C. & S.T. P.S. Case No. 51/2018 /



G.R. No. 5383/2018 is hereby, set aside.

The above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – cum – Special Judge, Katihar, in connection with S.C. & S.T. P.S. Case No. 51/2018 / G.R. No. 5383/2018.

In the aforesaid manner, this appeal stands disposed of.

(Hemant Kumar Srivastava, J)

Spd/-

U		T	
---	--	---	--

