

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5809 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- RAUTA District- Purnia

REET LAL HARIJAN @ RIT LAL HARIJAN Son of Late Antu Lal Harijan
Resident of Village-Talbari, P.S-Amour, District-Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-05-2020 This case has been posted before me for hearing through video- conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 27.11.2019 passed by the learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Rauta P.S. Case No. 44 of 2019 giving rise to Special S.C./S.T. Case No. 87 of 2019 registered under Sections 366,



368, 370A(2) 376, 379, 34 of the Indian Penal Code and Section 3(i) (w) (I) 3 (2), (V), 3 (2) VA of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case as lodged by the informant is that on the date and time of occurrence, her mother along with son-in-law had gone to Babadham and her father had gone to work and she was alone at home in the meantime villagers Saheb Lal Harijan and his brother Rital Lal Harijan administered something due to which she became unconscious and taken his house. It is further alleged that one Jagdish Singh the habitant of Utter Pradesh he also lived at Talbari after marriage and he called his brother Hukum Singh and all the FIR named accused persons with a conspiracy intention to commit rape enticed her and also dishonestly taken cash 25,000/- and 50 bhar silver ornaments 1 bhar gold worth Rs. 38,999/-. It is further alleged that the all the accused persons sent her with accused Hukum Singh against her will and committed rape with her and on protest extended threat to kill her due to physical relations she became pregnant. Informant father anyhow traced her and went to U.P and bought her at village. The accused persons are extending threat to commit murder of informant and her parents if matter is informed to police.



It is submitted by learned counsel for the appellant that he is quite innocent having committed no offence and has been falsely implicated due to ulterior motive and land dispute. He submits that statement of the informant under 164 Cr.P.C. has been recorded in which she says that the appellant has come to my house and something administered and became unconscious except nothing allegations against the appellant. He submits that on perusal of F.I.R. the informant is major and occurrence took place 8 months ago but the F.I.R. has been lodged on 01.05.2019 which casts serious doubt regarding the prosecution story. He submits that appellant was not arrested on the spot and nothing has been recovered from his conscious possession. He submits that no offence of the S.C/S.T. Act is made out against the appellant and after investigation the police submitted charge sheet of the I.P.C. and SC/ST Act.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the fact that there is no specific allegation against the appellant, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st



Additional Sessions Judge cum Special Judge (SC/ST Act),
Purnea in connection with Rauta P.S. Casae No. 44 of 2019
giving rise to Special SC/ST Case No. 87 of 2019.

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

(Anjani Kumar Sharan, J)

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