

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1992 of 2021**

Arising Out of PS. Case No.-19 Year-2020 Thana- MAHNAR District- Vaishali

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Pawan Rai @ Pawan Kumar S/o Ram Lagan Ray R/o Village- Narayanpur
Dedhpura, P.S.- Mahnar, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 24-08-2021 Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 05.02.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Hajipur, Vaishali, in connection with Mahnar Police Station Case No.19 of 2021, registered under Section 376(D) of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant and others on the point of pistol took the informant, a widow having children, to the Bamboo Orchard and committed Gang rape.

Submission is that co-accused Prabhat Rai has been



allowed bail by this Court on 23.03.2021 in Cr. Appeal (SJ) No.23 of 2021 by a detailed order on conflicting material available.

Considering the submission aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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