

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1710 of 2021**

Arising Out of PS. Case No.-119 Year-2013 Thana- KORHA District- Katihar

Ranjan Singh, Son of Awadesh Singh, Resident of Village - Shiwadih, P.S.-
Korha, District - Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 09-04-2021 Heard learned counsel for the appellant as well as
learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 16.10.2020, passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar, in connection with Korha P.S. Case No.119 of 2013 instituted for the offence under Section 376 of the Indian Penal Code and Section 3/4 of the SC/ST Act and also for setting aside the aforesaid order dated 16.10.2020.

A case has been lodged by the prosecutrix alleging that she belongs to the Scheduled Caste/Scheduled Tribe and was married to one Basant Turi four years ago. Her husband had gone outside the State for earning his livelihood. Three years



prior to the lodging of the FIR, it is alleged that the appellant has taken her to a field, threatened her and thereafter committed rape.

The allegation is that a girl child was born out of the physical relation who is between two to three years of age on the date of lodging of the FIR. The complainant had lodged Korha P.S. Case No.33 of 2013 in this regard, which ended in a compromise and thereafter being subjected to rape again, she has lodged the present case.

The appellant's counsel submits that after lodging of the present case, Korha P.S. Case No.183 of 2018 has also been lodged by the same informant in which the appellant has already been granted bail. He submits that the sequence of events narrated in the FIR make it abundantly clear that the prosecutrix claims to be married from before and therefore she must be a major. The fact that she claims to have a girl child 2/3 years old out of the physical relation established with the appellant, is clear indication of the falsity of the allegation regarding rape having been committed. The appellant is stated to be an infirm person suffering with disease of lung and pancreas. The falsity of the allegation is also evident from the fact that the prosecutrix was not examined under Section 164 Cr.P.C. No details of the



rape having been committed with respect to the date or time has been mentioned in the prosecution case. There is also an inordinate delay of about four years in lodging of the case.

Learned Special P.P. submits that the appellant is an accused of rape and therefore he opposes the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, 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 Korha P.S. Case No.119 of 2013.

In the result, the appeal is allowed and the impugned order dated 16.10.2020 is set aside.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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