

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1824 of 2021

Arising Out of PS. Case No.-105 Year-2018 Thana- RAJEPUR District- East Champaran

RAVINDRA KUMAR @ RABINDRA KUMAR Son of Meghu Sah Resident
of Village- Bhuwalidih, P.S.- Rajepur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari, APP
For the informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2021 Heard Mr. Abhishek Kumar, learned counsel for the appellant, Ms. Usha Kumari, learned counsel for the State as well as Mr. Sanjay Kumar, learned counsel for the informant.

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 by order dated 18.06.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, East Champaran at Motihari, in connection with Rajepur P.S. Case No.105 of 2018, registered under Sections 363, 366A, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The appellant has renewed his prayer for bail inasmuch as earlier the bail application of the appellant was rejected by this Court vide order dated 27.11.2020 passed in Cr. Appeal SJ No.1694 of 2020.

Learned counsel for the appellant submits that both the parties are neighbours and the appellant has falsely been implicated in this case due to village rivalry. Learned counsel next submits that from perusal of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, it would be evident that the girl was not recovered by the police and she had returned back on her own accord. Learned counsel further submits that no allegation of sexual assault has been made against the appellant by the victim girl in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, and the appellant is in custody since 28.02.2020. Learned counsel further submits that the charge-sheet has already been submitted in the matter and there is no likelihood that the appellant will abscond or tamper with the evidence.

On the other hand, learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that there is allegation of abducting a minor girl upon the



appellant and he does not deserve the privilege of bail.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the victim girl has not stated anything against the appellant that he sexually assaulted the victim girl at any point of time and she returned to her home on her own accord after 6-7 months and both the parties are neighbours and appellant is in custody since 28.02.2020 and the charge-sheet has already been submitted in this case, I am inclined to regular bail to the appellant.

Accordingly, the impugned order dated 18.06.2020 is set aside and this appeal stands allowed.

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, SC/ST(POA) Act, East Champaran at Motihari, in connection with Rajepur P.S. Case No.105 of 2018.

(Anil Kumar Sinha, J)

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