

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1585 of 2020

Arising Out of PS. Case No.-118 Year-2020 Thana- TAJPUR District- Samastipur

SANTOSH KUMAR RAI @ NIRBHAY KUMAR S/o Late Ram Milan Rai
Resident of Village-Nikaspur, P.S.-Tajpur, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surya Narayan Roy, Advocate

For the Respondent/s : Ms. Usha Kumari no. 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 23.6.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur whereby the prayer for bail of the appellant in connection with Tajpur P.S. Case no. 118 of 2020 registered under section 376 and other sections of the Indian Penal Code and section 3(1)(r)(s) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, while the informant was alone in her house, it is stated that the appellant entered into the house of the informant and tried to commit rape on her but on hulla being raised, her co-villagers reached there and she was saved.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted and have been made for oblique reasons. It is submitted that the appellant is a member of ward no. 8 while the



father-in-law of the informant is a Sarpanch in the Panchayat. The appellant has been falsely implicated in the case for the reason that the appellant was opposing the sub-standard work being carried out by the informant's father-in-law. It is further submitted that it is because of the false implication that no injury report of the informant has transpired in course of investigation. The appellant is in custody since 6.6.2020 and has no criminal antecedent. It is also submitted that charge sheet has been submitted in the case.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the appellant being in custody since 6.6.2020 and charge sheet having been submitted in the case, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 23.6.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Tajpur P.S. Case no. 118 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten 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, Samastipur.

(Partha Sarthy, J)

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