

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3466 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- RASULPUR District- Saran

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1. AMIT SINGH @ AMIT KUMAR SINGH S/o KESHAV SINGH R/o VILLAGE-ITHARI, P.S- RASULPUR, DISTRICT-SARAN AT CHHAPRA, BIHAR.
 2. RAHUL SINGH S/o KESHAV SINGH R/o VILLAGE-ITHARI, P.S- RASULPUR, DISTRICT-SARAN AT CHHAPRA, BIHAR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Yashraj Bardhan, Advocate
For the Respondent/s	:	Ms Usha Kumari 1, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-10-2021

This case has been taken up for consideration today through Video Conferencing.

2 Heard learned counsel for the appellants as well as the learned Special Public Prosecutor (for brevity, *Special PP*) appearing for the State of Bihar.

3 The appellants have preferred the present Appeal under Section 14 (A) (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (for brevity, *SC/ST Act*) against refusal of their prayer for regular bail vide order dated 12.07.2021 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST



Act, Saran at Chapra in a case registered under Sections 147, 148, 149, 341, 323, 324, 354, 307/34 of Indian Penal Code and Sections 3 (ii) (v) (a), 3 (1) (r) (s) of SC/ST Act in connection with Rasulpur Police Station (for brevity, *PS*) Case No 63 of 2020.

4 There is allegation that the informant along with her sister's daughter was walking near a pond where it is alleged that the instant appellants have forcibly caught her sister's daughter and attempted to commit rape. There is further allegation that they have also groped the body of her sister's daughter. Later, on protest being made, they have been assaulted and in the process, the prosecution party has also been disrobed and abused by caste name.

5 Learned counsel for the appellants, referring to Annexure 2 of the Memo of Appeal, submits that Rasulpur Police Station Case No 64 of 2020 was lodged on the basis of Fardbayan of Appellant No 1 recorded in the Hospital on 13.06.2020 where Appellant No 1 was admitted having sustained injuries at the hands of the instant prosecution party. The Station Diary Entry of the same was made on 14.06.2020, as per left column of the First Information Report (for brevity, *FIR*). The same, however, was registered on 03.07.2020. In the meantime, the instant prosecution party, who are aggressors, lodged the prosecution case on



29.06.2020. It is submitted that implication is based on subsisting dispute with an oblique motive to coerce the appellants to come to terms. The appellants have filed Cr Appeal (SJ) No 260 of 2021 for grant of anticipatory bail. However, in view of their arrest during pendency of the same, Cr Appeal (SJ) No 260 of 2021 was withdrawn with respect to the appellants on 28.09.2021. The appellants are stated to be in custody since 16.05.2021.

6 Learned Special PP has opposed the prayer for bail. It is submitted that specific allegation has been levelled against the appellants. Further submission is that there is one antecedent of the appellants for offences under the SC/ST Act.

7 Learned counsel for the appellants, however, submits that in the said case, they are on bail. Now, it is pending before the Judicial Magistrate and they have not been put on trial under the offence punishable under the SC/ST Act.

8 In my opinion, in view of nature of accusation in the FIR, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 12.07.2021 requires interference by this Court, which is, accordingly, set aside.

9 This appeal is allowed. The impugned order dated 12.07.2021 passed by Additional Sessions Judge I -cum- Special



Judge, SC/ST Act, Saran at Chapra in connection with Rasulpur PS Case No 63 of 2020 is set aside.

10 Let the appellants above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Saran at Chapra in connection with Rasulpur PS Case No 63 of 2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(2) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.11.2021
Transmission Date	01.11.2021

