

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.567 of 2021**

Arising Out of PS. Case No.-167 Year-2019 Thana- RAMPUR District- Gaya

RAKESH KUMAR Son of Naresh Mahto @ Naresh Prasad Dangi Resident of Village- Auru Tola Ghughari Tand, P.S.- Huntrrganj, District- Chatra (Jharkhand).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 06-04-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 07.09.2020 passed by learned Special Judge, SC/ST Court, Gaya in connection with Rampur P.S. Case No. 167 of 2019 registered under Sections 376 and 506/34 of the Indian Penal Code and Sections 3 (i) (r) (w) (1), 3(2) (v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that on the pretext of marriage, he established physical relationship with the



informant for six months. She also alleged that when she pressurized for marriage, he put vermilion to her and he fraudulently represented himself to be a member of same caste to which the informant belongs.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this. He submits that informant is in habit of lodging such cases and earlier she had also lodged case against one Sunil Kumar and his family members with similar allegations. He submits that informant is aged about 30 years who is not student of any college nor she was prosecuting her study at the relevant time. It is stated that she came in contact with the appellant while she was preparing for her competitive examination is totally false. He submits that informant who is grown up lady was attempting to trap the appellant and when she failed to trap the appellant she lodged the present case. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 14.07.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail



bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Court, Gaya in connection with Rampur P.S. Case No. 167 of 2019.

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

(Anjani Kumar Sharan, J)

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