

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2071 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- GAUNAHA District- West Champaran

Sonu Chaudhary, S/o Late Ramakant Chaudhary, R/o village- Math
Majhariya, P.S.- Gaunaha, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate.
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel appearing for the appellant remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the appellant and the learned Additional Public Prosecutor appearing for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 29.08.2020 passed in Bail Petition No. 1700 of 2020, whereby and whereunder the learned Ist Additional Sessions Judge-cum-Special Judge, SC & ST Act, Bettiah, West Champaran, rejected the prayer for grant of bail of the appellant in connection with Gaunaha P.S. Case



No. 73 of 2020, registered under Sections 376 and 511 of the Indian Penal Code and Sections 3(I)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The persecution case, in brief, is that on 15.06.2020, at about 10 P.M., Sonu Choudhary (appellant) came in the house of the informant, Shanti Devi, and tried to commit rape by folding her hands and legs. On raising alarm, villagers reached there and caught hold Sonu Choudhary (appellant) and kept in whole night. On next day in the morning, on information, police came there then petitioner was handed over to the police. At the time of occurrence, Sonu Choudhary (appellant) sustained slight injury.

Learned counsel for the appellant submits that, in fact, on 16.06.2020, in the morning, appellant was being assaulted by the Mukesh Yadav and others co-villagers but Jyoti Devi, mother of the appellant, was reached there to save the petitioner but she was also abused and assaulted, regarding which, mother of the appellant, Jyoti Devi, lodged Gaunaha P.S. Case No. 74 of 2020 against the witnesses of the present case, who managed to lodge the present case only to give undue pressure. Further submission is that appellant has no criminal antecedent and is in custody since 18.06.2020.



Having considered the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed.

Let the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge-cum-Special Judge, SC & ST Act, Bettiah, West Champaran, in connection with Gaunaha P.S. Case No. 73 of 2020. Out of two sureties, one surety must be the close relative of the appellant.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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