

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.23 of 2021

Arising Out of PS. Case No.-19 Year-2020 Thana- MAHNAR District- Vaishali

PRABHAT RAI S/o RAJESHWARI RAI @ RAJESHWAR PRASAD
RAKESH Resident of Village-Narayanpur Dedhpura, P.S.-Mahnar, District-
Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar Singh,Adv

For the Respondent/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-03-2021

Heard learned counsel for the parties.

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 25.08.2020 in Mahnar P.S.Case No.19 of 2020 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Hajipur, Vaishali, registered under Sections 376(D) of the Indian Penal Code, Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant and others on the point of pistol took the informant, a widow having children to the Bamboo Orchard and committed Gang rape.



Learned counsel for the appellant submits that the Doctor has not found any sign of injury or any other sign to substantiate the allegation. Witnesses have stated before the police that the informant and her family members were long ago settled by the ancestors of the appellant on the land of the appellant and the informant and others were pressurizing for execution of a sale deed in respect of that land which was simply an oral settlement and for that dispute the village was divided into two groups and the informant has been set up in this case at the instance of the enemies. Appellant is in custody since 24.07.2020. Investigation of the case is already complete.

Considering the conflicting material in the case diary for the purpose of consideration of prayer for bail of an undertrial prisoner, in my view, the appellant deserves prayer for bail, hence let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not



leave the country without permission of the learned Trial Court,
failing which the court below shall be at liberty to cancel the
bail bond of the appellant.

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

(Birendra Kumar, J)

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