

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3546 of 2021**

Arising Out of PS. Case No.-76 Year-2021 Thana- RUDRAPUR District- Madhubani

Amod Chaupal Son of Palat Chaupal Resident of Village - Navnagar, P.S. - Rudrapur, District - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Jha

For the Respondent/s : Mr. Sadanand Paswan

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

2 30-11-2021 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 17.07.2021 passed by learned 1st Additional Sessions Judge cum-Special Judge, Madhubani in connection with Rudrapur P.S. Case No. 76 of 2021 registered under Sections 341, 323, 354B, 506/34 of the Indian Penal Code and Section 3 (i) (r), 3 (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation is that all the accused persons named in the FIR catch daughter of the informant and committed rape upon her and after that hide her in the house of Amod Chaupal



(appellant).

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant. He submits that there is specific allegation upon all four co-accused who abused the informant. He submits that victim in her statement recorded under Section 164 Cr.P.C. stated that she went with the accused person upon her own will and her age is also 18 years. He submits that no case under SC/ST Act is made out against the appellant as he also belongs to the Scheduled caste. 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 04.07.2021.

However, learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let 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 1st Additional Sessions Judge cum-Special Judge, Madhubani in connection with Rudrapur P.S. Case No. 76 of 2021.



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

(Anjani Kumar Sharan, J)

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