

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No 387 of 2021**

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Samastipur

SONU KUMAR SINGH Son of Ajeet Singh @ Ajit Prasad Singh Resident of  
Village-Devdha, P.S.-Hasanpur, District-Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr Sujit Kumar Singh, Advocate

For the Respondent/s : Ms Usha Kumari No 1, Special PP

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date : 19-03-2021**

Heard learned counsel for the appellant and the learned  
Special PP for the State.

2 The appellant has preferred the present Appeal under  
Section 14 A (2) of Scheduled Castes and Scheduled Tribes  
(Prevention of Atrocities) Act (for brevity, SC/ST Act) against the  
refusal of his prayer for regular bail vide order dated 15.05.2020  
passed by Additional Sessions Judge I -cum- Special Judge, SC/ST  
Act, Samastipur in a case registered under Sections 67, 67 (A) of  
Information Technology Act, 2000, Section 376D of Indian Penal  
Code and Sections 3 (2) (v) of SC/ST Act in connection with  
Samastipur Mahila Police Station (for brevity, PS) Case No 46 of  
2019 dated 22.07.2019.

3 There is allegation that co-accused Ajay @ Jhulwa  
has forcibly taken away the informant where after altogether five  
persons including the appellant were waiting and committed rape  
on the informant.



4 Appellant's counsel submits that falsity of the allegation is evident from the fact that in respect of alleged rape committed on 09.07.2019, First Information Report has been lodged on 22.07.2019. Further submission is that the two paragraphs of the case diary, referred to by the learned Court below while rejecting the appellant's prayer for bail, are nothing but the statement of the informant and her husband. Other than that, there is no material whatsoever in the course of investigation to even suggest the appellant's participation. Further submission is that the allegations are not supported by any medical report or evidence. The appellant is not found in the video, which has been recovered in the course of investigation.

5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 15.05.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned Special PP for the State has opposed the prayer for bail. It is submitted that specific allegation of rape is alleged against the appellant along with others. In respect of the other submission based on the case diary, which had earlier been requisitioned and is on record, he is not in a position to dispute the same.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 15.05.2020 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Samastipur in connection with Samastipur Mahila PS Case No 46 of 2019 dated 22.07.2019 is set aside.

8 Let the appellant above named be released on bail on his 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,



Samastipur in Samastipur Mahila PS Case No 46 of 2019 dated 22.07.2019 subject to the following conditions:

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

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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