

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3164 of 2019

Arising Out of PS. Case No.-29 Year-2018 Thana- SC/ST District- Katihar

SONU SHARMA Son of Kale Sharma @ Kali Charan Sharma Resident of
Bishani Chowk Chakla, P.S.- Falka (Pothia O.P.), District- Katihar.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 06-01-2021 Heard learned counsel for the appellant and learned
counsel for the State.

The appellant has challenged the order dated 23.05.2019 passed by Additional Sessions Judge 1st -cum-Special Judge, S.C./S.T. Katihar in connection with S.C/S.T. P.S. Case No. 29 of 2018 G.R. No. 3039 of 2018 registered for the offences under sections 323, 379, 376, 447, 506/34 of the Indian Penal Code and 2(i)(xii) of S.C./S.T. Act whereby the prayer made on behalf of the appellant for grant of bail has been rejected.

Prosecution allegation, in short, is that while the informant was cutting grass in the field, the accused person suddenly came there and committed rape on her.

It has been submitted on behalf of the appellant that



the appellant is in custody since 30.05.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. For oblique reasons, the appellant has been implicated in the present case. The medical examination report of the victim does not show any positive sign of rape committed on her. The medical examination report does not support the allegation made in the F.I.R. The F.I.R. has been instituted under section 156(3) of the Cr.P.C. The alleged occurrence has not taken place within public view. Hence, no case under the provisions of SC/ST Act is made out.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 23.05.2019 passed by Additional Sessions Judge 1st -cum- Special Judge, S.C./S.T. Katihar in connection with S.C/S.T. P.S. Case No. 29 of 2018, G.R. No. 3039 of 2018, by which the bail of the appellant was rejected.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional



Sessions Judge 1st -cum- Special Judge, S.C./S.T. Katihar in
connection with S.C/S.T. P.S. Case No. 29 of 2018.

The appeal stands allowed.

(Sudhir Singh, J)

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