

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.468 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- MAHILA P.S. District- Rohtas

ARVIND SINGH @ ARVIND KUMAR Son of Raj Bali Singh @ Raj Bali Mahto Resident of Village- Raghunathpur (Tola), P.S.- Karakat (Gorari), District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Geeta Kumari Late Ram Dayal Ram R/Village and Post-Karup, P.S.- karakat(Gorari) P.S.-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Tiwary
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Suraj Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

- 3 14-07-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the appellant seeks bail in connection with Mahila Police Station Case No. 22 of 2021 registered for the alleged offences under Sections 376, 504, 506, 341, 323 and 34 of the Indian Penal Code and under Sections 3(i) (r))s) (w)3(2)(v) of the SC/ST Act.

The allegation against the appellant is that he committed rape with the informant. The villagers pressurized the appellant to



marry the informant, a girl of scheduled caste category. However, the family members of the appellant later on refused to marry the appellant and also abused the informant and other by taking her caste name.

Learned counsel for the appellant submits that the appellant is student of ITI and he has been falsely implicated in this case. There was love affair between the appellant and the informant and it was the informant who called the appellant in orchard. This fact can be verified from the details of mobile no. used by the appellant. The informant did not make any allegation of rape against the appellant. However, after four days of alleged occurrence, the uncle of the informant managed to lodge this case. When the informant was examined medically, no sign of rape has been found. A compromise has taken place between the appellant and the informant. The appellant is in custody since 09.07.2021.

Learned counsel appearing on behalf of the informant submits that as per instruction, informant does not want to contest the case and he also admits the factum of compromise.

Learned APP for the State opposes the contention of the appellant and submits that case is not compoundable.

Having regard to the submissions made hereinabove and considering the fact that FIR shows some volition on the part of the informant and also taking into considering the fact that FIR has been lodged after four days of the alleged date of occurrence, for which



there is no explanation and also having regard the period of custody of the appellant, the appellant above named is directed to 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 learned Additional District Judge-17th-cum-Special Judge, SC/ST, Rohtas at Sasaram in connection with Mahila P.S. Case No. 22 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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