

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1463 of 2022

Arising Out of PS. Case No.-555 Year-2021 Thana- NAGAR District- Vaishali

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Ranjan Kumar @ Ranjan Kumar @ Rajan Kumar, Son of Late Hari Rai,
Resident of Village - Harivanshpur, P.S.- Hajipur Town, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi, W/o- Ravi Das Aged about...., Resident of Village-Chaudhary Bazar, P.S.-Town(Hajipur), District-Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nachiketa Jha, Advocate

For the State : Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 15-12-2022

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

Learned Spl. P.P. has submitted that the informant
has been informed through the Superintendent of Police,
Vaishali. But none has appeared on behalf of the respondent
no. 2.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

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 vide
order dated 25.02.2022 passed by the learned Special Judge

SC&ST, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 555 of 2021 registered for the alleged offences under Sections 452, 341, 323, 376 and 511 of the Indian Penal Code and Sections 3(i)/8/w(I) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per prosecution case, the appellant entered into the house of the informant and made an attempt to commit rape with her. When the informant resisted, he assaulted her. The uncle of the informant came and drove out the appellant from the house who fled away from the spot.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. It is not believable that the appellant was apprehended by the uncle of the victim but he was not arrested and handed over to the police. Learned counsel further submits that the matter has been compromised between the parties and a petition in this regard has been filed before the learned trial court. Charge sheet has been submitted in this case and the appellant is in custody since 30.01.2022.

Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellant submitting that the

appellant is having criminal antecedent and there is specific allegation against him for making an attempt to commit rape with the informant.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with 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 Special Judge SC & ST Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 555 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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.

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

(Arun Kumar Jha, J)

Gautam/daya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.12.2022
Transmission Date	16.12.2022