

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3677 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Rohtas

Sonu Kumar Son of Rajendra Singh Resident of Village- Chawariya, P.S-
Sanjhauli, Dist- Rohtas (SASARAM)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sudha Kumari Laxman Ram Village-Harnachiti,P.S-Tilouthu,District-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

6 14-07-2022 Heard learned counsel for the appellant and learned
Spl. PP for the State.

The appellant has filed the instant appeal against the order dated 03.07.2020 passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST, Rohtas at Sasaram whereby the prayer for bail of the appellant in connection with Register Case No. 150/2020 arising out of Mahila P.S. Case no. 28/2020 registered under Sections 341, 323, 498(A)/34 of the Indian Penal Code and Sections 3(1) (r)(s) of the SC & ST (POA) Act was rejected.

As per allegation in the FIR, the informant alongwith her sister Pooja Kumari went to Temple of Pilot Baba and both were taking lunch in the meantime two persons came and told



that both met and asked about her address due to which both have given address and both have taken mobile number of the informant and her sister. Both started talking to each other by mobile phones. In the meantime, both have called the informant and her sister to the temple of Pilot Baba, thereafter, appellant and co-accused, Chandan Kumar took to village Chewario at his house and co-accused, Chandan Kuamr committed rape forcibly with the informant. The informant made protest then he gave false assurance for marriage after that said co-accused, Chandan Kumar performed marriage at the temple and took to Delhi where she residing some time and thereafter, he took to his village, in the meantime she became pregnant. The family member of the said co-accused, Chandan Kumar knew that the informant is a schedule caste girl due to which his parents tried to oust from her matrimonial house. The said co-accused, Chandan Kumar took to Sasaram where her sister was working at Sadar Hospital and gave false assurance. On 27.02.2020 she gave birth to male child then she informed her husband co-accused, Chandan Kumar but he refused to keep the boy and started abusing by caste name.

It is submitted by learned counsel for the appellant that the allegation as alleged in the FIR are false and concocted.



The appellant has not committed any offence as alleged in this case. There is specific allegation of committing rape and performed marriage with false assurance with the informant against co-accused Chandan Kumar. The name of appellant has been transpired in this case because he is friend of co-accused, Chandan Kumar and there is no specific allegation attributed against the present appellant. The appellant is in custody since 24.03.2021 and bears no criminal. He further submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

The appeal is opposed by learned Spl. PP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegations and the period in custody, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 03.07.2020 passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST, Rohtas at Sasaram is set aside.

The appellant is directed to be enlarged on bail in connection with Register Case No. 150/2020 arising out of Mahila P.S. Case no. 28/2020 on furnishing bail bond of



Rs.10,000/ (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST, Rohtas at Sasaram; subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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