

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4829 of 2021**

Arising Out of PS. Case No.-415 Year-2016 Thana- AHIYAPUR District- Muzaffarpur

Ajay Rai @ Ajay Kumar, Son of Godil Rai @ Ram Olad Ra,y R/o Village-
Mithanpura, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi, wife of Lal Babu Ram, Village- Boaria, P.S.- Mahua, District-
Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Parasmani, Advocate
For the State	:	Mrs.Usha Kumari 1, Spl.P.P.
For the respondent no.2	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 22-09-2022

Heard learned counsel for the appellant, learned
Spl.PP for the State and learned counsel for the respondent no.2.

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.

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 22.10.2021 passed by the learned Additional
Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act,
Muzaffarpur in connection with Ahiyapur P.S. Case No. 415 of



2016 registered for the alleged offences under Sections 376/34 of the Indian Penal Code, but charge sheet has been submitted under Section 376 (G) of the Indian Penal Code and Section 3(1) (w) (I) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other co-accused persons committed rape with the informant.

Learned counsel for the appellant submits that the appellant is innocent and has been implicated in this case due to land dispute with the house owner of the informant. The learned counsel further submits that falsity of allegation is apparent as no medical examination of the informant was made otherwise it would have falsified the allegation of gang rape. The informant and her mother were examined before the learned trial court and they did not name this appellant or identified him as an accused. She has also filed an application before the learned trial court wherein she has stated that this appellant has no role in the alleged occurrence. The appellant is in custody since 02.03.2021.

Learned Spl.P.P. as well as learned counsel appearing on behalf of the respondent no.2 though opposes the prayer for bail of the appellant, but learned counsel submits that a



compromise has taken place and also admits the fact that the informant has not named the appellant as an accused.

Perused the records.

Having regard to the facts and circumstances and the submission made on behalf of the parties and considering the subsequent events as discussed above and further considering 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 Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 415 of 2016, 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)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.09.2022
Transmission Date	23.09.2022

