

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.503 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- MAHILA P.S. District- Samastipur

BIMLESH KUMAR CHAURASIYA @ BIMLESH CHAURASIYA Son of
Bindu Chaurasiya Residence of village - Ward No.- 16, Parsaram, Balipur,
P.S.- Hathouri, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nilam Devi Wifr of Kamlu Ram R/o vill- Parsaram, ward no-16 P.S.
Hathouri, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajeev Ranjan, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Section 14 (A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 14.12.2022 passed by the learned Special Judge SC/ST
(P.O.A.) Act, Samastipur in connection with Mahila P.S. Case
No.76 of 2022, F.I.R. dated 07.10.2022 registered under
Sections 376(D), 341, 323, 504, 506/34 of the Indian Penal
Code and Section 3(1)(r) (s) (w) of the Scheduled Castes and
Scheduled Tribes Act.



According to FIR, the appellant along with other co-accused namely, Chotu Kumar after entering into the house of the victim committed rape upon her and threatened not to disclose the occurrence to anyone otherwise she would be killed and also abused her in the caste name.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the informant is not an eyewitness of the alleged occurrence and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that in fact, no such occurrence has taken place and the medical report of the victim does not support the allegation as alleged in the F.I.R. and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 07.10.2022.

Learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which, she has categorically stated that the appellant and other co-accused have committed rape upon her.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail, after



framing of charge, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (P.O.A.) Act, Samastipur, in connection with Mahila P.S. Case No.76 of 2022, with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this



appeal stands allowed.

(Rajesh Kumar Verma, J)

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