

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.668 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- DHANKUND District- Banka

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ARVIND SAH SON OF LATE NARESH SAH R/O VILLAGE- DEODANT,
P.S.- DHORAIYA, DISTRICT- BANKA

... .. Appellant/s

Versus

1. The State of Bihar
2. MALA DEVI WIFE OF SUBHASH PASWAN R/O VILLAGE-
ATHAPAHARA, DISTRICT- BANKA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 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 06.12.2022 passed by the learned Additional Sessions Judge-I, Banka in connection with Dhankund P.S. Case No.89 of 2022, F.I.R. dated 09.09.2022 registered under Sections 376, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(w)(i)(ii)/3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.



According to FIR, the appellant is alleged to have committed rape upon the informant and also abused her in the name of her caste.

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 allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. He further submits that in fact, the victim has taken loan of Rs.1, 41,000/- and she has refused to repay the same and for that purpose the appellant has filed an Informatory petition bearing no. 1808/2022 and thereafter the informant has filed the present false and fabricated F.I.R. against the appellant. He further submits that in the F.I.R. she has alleged that the appellant has also tried to molest her daughter but the statement of the daughter of the informant was recorded under Section 161 Cr.P.C., in which, she has categorically denied the allegation as alleged in the F.I.R. and the police, after investigation, submitted chargesheet against the appellants and the appellants are in custody since 09.10.2022.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of



the appellant.

Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka in connection with Dhankund P.S. Case No. 89/2022, 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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