

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.904 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- KHAJAULI District- Madhubani

Ram Pravesh Kumar Son of Sri Asharfi Singh @ Asharfi Mahto Resident of
Village- Bhakua, P.S.- Khajouli, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. X D/O Raj Kumar Safi Resident of Village- Ram Khetari Ward No.-08, P.S.-
Rudrapur, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Ravindra Kumar Choubey, Advocate
For the State	:	Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-05-2023 Heard Mr. Ajay Kumar Thakur, learned Senior counsel
for the Appellant, Mr. Ravindra Kumar Choubey, learned counsel
appearing on behalf of the Informant and learned Special Public
Prosecutor for the State.

This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act (hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for regular bail vide order dated 17.01.2023
passed by the learned 1st Additional Sessions Judge-cum-Special
Judge, SC/ST, Madhubani in connection with G.R. No. 09 of 2022
arising out of Khajouli P.S. Case No. 11 of 2022, F.I.R. dated
23.01.2022 registered under Sections 376, 323, 420/34 of the



Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

The prosecution case, in brief, is that the informant came in contact with Ram Pravesh Kumar eight months ago at Batika Hotel in the programme of Vyash Jee and both of them started to take with each other on mobile. On the allurements of marriage, the accused person committed rape for about one month and thereafter he fled away. After searching him she went to his village Bhakua and the society people got her kept in the house of Ram Pravesh. On 22.01.2022 mother of Ram Pravesh assaulted her and snatched her mobile.

Learned Senior counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it transpires that on the pretext of marriage the present occurrence had taken place. He further submits that the informant herself admitted that she is a married lady and she has a child from the said wedlock and the father of the informant also admitted that she is a married lady and there is no divorce from the first husband then how the appellant is ready to perform the marriage with the informant when the appellant is aware that she is a married lady and without divorce the appellant cannot perform the marriage with the informant. He further submits that it appears from the F.I.R. that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 25.01.2022.

Learned counsel appearing on behalf of the Informant as well as learned Special Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the appellant and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the appellant on pretext of marriage has made relation but the medical report of the victim does not support the 164 Statement of the victim. They further submit that the police has found the allegation as alleged is true and he has filed a chargesheet against the appellant.

Considering the facts and circumstances of the case and the period of custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani in connection with G.R. No. 09 of 2022 arising out of Khajouli P.S. Case No. 11 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 witness, 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 bonds 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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