

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1412 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- JANDAHA District- Vaishali

SANJAY RAI @ SANJAY KUMAR Son of Ranjit Rai @ Ranjeet Rai R/V-
Bhanboraha, P.S- Jandaha Dist- Vaishali Parental Address - Mahua Noor , P.S-
Mahua Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sangita Devi Wife of Manoj Paswan R/V- Bhanboraha P.S- Jandaha dist-
Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kamlesh Kumar Pathak, Advocate
For the Resp.No.2	:	Mrs. Rina Sinha, Advocate
		Mr. Dharendra Prasad Sinha, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 11-08-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the respondent no.2 and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for regular bail by
order dated 16.02.2023 passed by the learned Special Judge,
SC/ST, Vaishali at Hajipur in connection with Jandaha P.S. Case
No.287 of 2022 registered under Sections 323, 448, 452, 504,
506, 376(D), 379 and 34 of the Indian Penal Code and read with
Sections 3(1)(r)(s)(w) of SC/ST Act, 1989 and Section 67 of I.T.



Act.

As per First Information Report the appellant along with his cousin brother entered into the house of informant and forcibly committed rape upon the informant and thereafter, blackmailed the informant that her obscene video made by him would be made viral. It is further alleged that he had taken loan of Rs.1.5 lacs from the informant and when the informant demanded to return money she was abused and called by her caste name.

Learned counsel for the appellant submits that 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 it has come during investigation, more particularly, in paragraph 25 of the case diary that the prosecution has disbelieved the allegation as alleged against the appellant on the ground that the so called video, on which the entire prosecution is based, was found to be manufactured. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 07.02.2023.



The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant.

Considering the aforesaid facts and circumstances, 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 the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Jandaha P.S. Case No.287 of 2022, subject to 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 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 dated 16.02.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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