

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1439 of 2023**

Arising Out of PS. Case No.-220 Year-2017 Thana- KUDRA District- Kaimur (Bhabua)

Rajendra Ram S/O- Muni Ram Resident Of Village Tamarh P S -SONHAN
District -KAIMUR At Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahesh Ram Late Ram Chandra Ram R/V- Ughani, P.O.-Ughani P.S.-
Chenari, District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashutosh Tripathy
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 12-10-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
09.02.2023 passed by learned Special Judge, SC/ST
Act, Kaimur at Bhabhua in connection with SC/ST Case
No. 08 of 2021, arising out of Kudra P.S. Case No. 220
of 2017 instituted for the offences punishable under
Sections 363, 34 of the Indian Penal Code, later on
Sections 366, 376(2)(n), 376(D), 120(B) of the Indian
Penal Code and Sections 3(2)(v)(a) of the SC/ST Act
whereby his prayer for being released on bail has been



rejected.

It is a case of commission of kidnapping and forcefully committing rape upon the informant. It is alleged against the appellant that he sold the informant to the accused persons who subsequently ravished her.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. From the 164 Cr.P.C statement of the victim itself, it appears that there is no specific allegation of kidnapping and rape against the appellant and the specific allegation is against Uday Rai and Gautam Shukla. For the alleged occurrence of 11.08.2017, the F.I.R was lodged after 51 days of the occurrence on 02.10.2027 without explaining the delay. The appellant also belongs to the SC community. Hence, the provision under SC/ST act could not be attracted against the appellant. The appellant is in custody since 30.01.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.



Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 09.02.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Kaimur at Bhabhua in connection with SC/ST Case No. 08 of 2021, arising out of Kudra P.S. Case No. 220 of 2017.

(Sunil Kumar Panwar, J)

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