

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1164 of 2022**

Arising Out of PS. Case No.-18 Year-2021 Thana- KHUTAUNA District- Madhubani

GURUWA SAH @ GURU PRASAD SAH Son of Sri Chulhai Sah Resident  
of Village - Bathnaha, P.S.- Fulparas, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. SANGITA DEVI Wife of Ajay Paswan Resident of Village - Bathnaha, P.S.-  
Fulparas, District - Madhubani.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Shivam

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

3      16-02-2023                      Heard learned counsel for the appellant, learned  
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 10.02.2022 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani in G.R. No. 20 of 2021 whereby the prayer for bail of the appellant in connection with Khutauna P.S. Case no. 18 of 2021 under Section 376 of the Indian Penal Code and sections 3(1)(w) of SC/ST Act was rejected.

Allegations against the appellant is of committing rape upon the informant after tiding her mouth with sari. On alarm being raise, several villagers and her mother came there



and apprehended the petitioner and handed over to the police.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case with ulterior motive. Appellant is innocent. On refusal by the appellant to provide land for passage, informant has named the appellant in the present case. Informant is an adult lady. According to medical report, no sexual assault has been found at the time of examination. Appellant has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent. Appellant is languishing in judicial custody since 10.02.2021.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.02.2022 passed in G.R. No. 20 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Khutauna P.S. Case No. 18 of 2021 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)  
with two sureties of the like amount each to the satisfaction of  
the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge  
SC/ST., Madhubani.

**(Sunil Kumar Panwar, J)**

sushma/-

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