

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1698 of 2023

Arising Out of PS. Case No.-367 Year-2020 Thana- PUPRI District- Sitamarhi

Raffickujjama Son Of Late Badre Alam Resident Of Village-Awapur, P.S.-
Pupri, District-Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Munita Kumari Daughter of Shiv Kumar Das Resident of village -Awapur,
Ward no.-05, P.S-Pupri, District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Shahnawaz Ali
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 12-10-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
16.02.2023 passed by learned 1st Additional Sessions
Judge-cum-Special Judge SC/ST Act, Sitamarhi in
connection with Pupri P.S. Case No. 367 of 2020
instituted for the offences punishable under Sections
341, 323, 354(B), 376/511/34 of the Indian Penal Code
and Section 3(1)(w)(i), 3(2)(va) of the SC/ST Act
whereby his prayer for being released on bail has been
rejected.



It is a case of outraging the modesty of the informant, assaulting and abusing her by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant and for a petty dispute, the present false accusation has been levelled against the appellant. The injury of the victim is simple in nature. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 06.02.2023.

In contra, 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 16.02.2023.



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 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Pupri P.S. Case No. 367 of 2020.

(Sunil Kumar Panwar, J)

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