

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2080 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- MAHILA P.S. District- Araria

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GOPAL BAHARDAR Son of Prasadi Bahardar Resident of Village -
Rahikapur, P.S. - Jokihat , Distt. - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Yashoda Devi Wife of Ashok Rajak Resident of Village - Rahikapur, P.S. -
Jokihat, Distt. - Araria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellant
against the order dated 2.3.2023 passed by learned 1st Additional
Sessions Judge-cum-Special Judge, Araria in whereby the
prayer for bail of the appellant in connection with Mahila P.S.
Case no. 30 of 2022 under Sections 376, 504, 506/34 of the
Indian Penal Code and sections 3(2)(va), 3(i)(s) of the SC/ST
Act was rejected.

As per allegation in the FIR, while petitioner was
cutting grass in her field, petitioner came from back and on



knife point committed rape with her.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Land of the appellant is adjacent to the house of the informant upon which informant is having greedy eye over it and with a view to put pressure, lodged this false case. In FIR, no date is mentioned of the incident, which creates doubt over the prosecution story. Informant is a married lady. In para 32 of the case diary, medical report is available from which it appears that there is no fresh sexual assault. He 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 and languishing in judicial custody since 17.02.2023.

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

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 2.3.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Mahila PS Case No. 30 of 2022 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
1st Additional Sessions Judge-cum-Special Judge, Araria.

(Sunil Kumar Panwar, J)

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