

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2440 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- ROSHANGANJ District- Gaya

GUDDU KUMAR @ GUDDU PASWAN SON OF JIVLAL PASWAN R/O
Village- Azamgarh Bhuintoli, P.S- Roushanganj, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanchan Kumari D/O Shri Rikyasan R/O Village- Azamgarh Tola Gangta,
P.S- Roushanganj, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-12-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 05.04.2023 passed by learned court of Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Roushanganj P.S. Case no. 346 of 2022 under Sections 341, 323, 376, 504, 506, 120B of the Indian Penal Code and section 3(i)(r) of SC/ST Act was rejected.

3. As per prosecution case, all the accused persons including this appellant on the point of weapon attempted to commit rape with the victim and also torn her clothes and



when the victim raised *hulla*, the people of the vicinity assembled then the accused persons fled.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. As per statement of the victim recorded under Section 164 of the Cr.P.C. in which, she has not disclosed the exact date and time of the alleged occurrence and she has stated that the appellant has only tried to commit rape upon her and in view of the aforesaid, no case under Section 376 of the IPC is made out against the appellant. The appellant has not taken the caste name of the informant in public view so no offence is made out under the provisions of the SC/ST Act against him. Similarly situated co-accused namely, Ashok Prashad has already been granted bail by co-ordinate Bench of this Court vide order dated 15.09.2023 passed in Cr. Appeal (S.J.) No. 2939 of 2023. The appellant has got not criminal antecedent moreover, he languishing in judicial custody since 25.01.2023.

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

6. 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 05.04.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Roushanganj P.S. Case no. 346 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 court of Exclusive Special Judge, SC/ST Gaya.

(Sunil Kumar Panwar, J)

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