

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3741 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- NAUHATTA District- Rohtas

Saroj Yadav S/O Late Bhardul Yadav Resident Of Village Banua Tola P S
Nauhatta District Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Kumari Daughter Of Mushafir Ram R/O Village- Tiyra Khurd, Po-
Parchha, Ps- Chutiya, Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashutosh Tripathy
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 07-12-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
19.07.2023 passed by learned Additional District Judge-
XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at
Sasaram in connection with Nawahata (Nauhatta) P.S.
Case No. 78 of 2023 instituted for the offences
punishable under Sections 341, 323, 376, 504, 506, 34
of the Indian Penal Code and Sections 3(i)(r)(s) of the
SC/ST Act and Section 66(E), 67 of the I.T. Act,
whereby his prayer for being released on bail has been



rejected.

It is alleged by the informant that on 07.05.2023, while she was returning to her village then in the way, Akhilesh Yadav, who was his villager came on the motorcycle and offered her lift. She accepted the offer and set on the motorcycle, who, instead of taking the motorcycle towards the village, went to the forest and committed rape with the informant. She further alleged that at the same time, three persons including the appellant recorded the said wrong act and later on co-accused Upendra Yadav made the video viral on social media.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant and co-accused Akhilesh Yadav were in love with each other and when Akhilesh Yadav denied to marry with the informant, this false case has been registered against him. Admittedly, the appellant has not committed any



wrong with the informant nor he has made the video of the informant viral on the social media. There is also no eye witness to the occurrence and for the alleged occurrence of 07.05.2023, the F.I.R was registered on 27.05.2023. The appellant is in custody since 14.06.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

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 19.07.2023.

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 Additional District Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at



Sasaram in connection with Nawahata (Nauhatta) P.S.
Case No. 78 of 2023.

(Sunil Kumar Panwar, J)

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