

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4952 of 2021

Arising Out of PS. Case No.-558 Year-2014 Thana- NAUBATPUR District- Patna

Dinesh Yadav @ Dinesh Kumar Son Of Mithlesh Yadav @ Mit Yadav
Resident Of Village- Dhobiya Kalapur, P.S.- Naunatpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi Wife Of Ram Layak Thakur Resident Of Village- Dhobiya Kalapur, P.S.- Naunatpur, District- Patna. Parentage Address- Poonam Devi D/O Late Nand Kishore Marandi, Resident Of Village- Lodhra, P.O.- Gopi Bandh, (Pin Code- 814149) P.S.- Sarath, District- Deoghar (Jharkhand)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 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 18.11.2021 passed by learned Additional Sessions Judge-III-cum Special Judge SC/ST POA Act, Patna whereby the prayer for bail of the appellant in connection with Naubatpur P.S. Case no. 558 of 2014 under Sections 498A, 323, 504, 509, 494, 354, 506, 376, 34 of the Indian Penal Code and sections 3(i)(xi)(xii) of SC/ST Act was rejected.

3. As per prosecution case, the informant has



alleged that the victim solemnized marriage with co-accused , namely, Ramlayak Thakur who was already married and she was unaware of this fact thereafter he and his family members used to torture and assaulting by taking her caste name. It is further alleged that her husband ousted her from her house thereafter the appellant and co-accused took her with them on pistol point and committed rape with her beneath a banyan tree.

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 Para-25 of the Supplementary Case Diary, wherein the victim has stated that an altercation held between her and her husband who is also co-accused and due to which she left her home and nothing wrong happened with her and also not stated about the complicity of the appellant. The victim belongs to SC category and her husband also belongs to same category. It is further alleged that as per Annexure-3, Medical Report has not supported the prosecution version. The appellant is languishing in judicial custody since 24.12.2020. In pursuance to the direction of this Court, a report with regard to the present stage of trial has been received which has been



kept at Flag 'M' from which it appears that the trial is pending for the appearance of co-accused who is also husband of the victim. Learned counsel for the petitioner also submitted that there is no hope to conclude the trial in the near future.

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 18.11.2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Naubatpur P.S. Case no. 558 of 2014 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 learned Additional Sessions Judge-III-cum Special Judge SC/ST POA Act, Patna.

(Sunil Kumar Panwar, J)

manishkumar/-

U		T	
---	--	---	--

