

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3886 of 2022**

Arising Out of PS. Case No.-43 Year-2021 Thana- DHANARUA District- Patna

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UMESH YADAV @ BHUKHA YADAV S/O LATE SHARAN YADAV
Resident of village- Mai Maner, P.O. Sonmai, P.S.- Dhanarua, District- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. RUNTI DEVI W/O CHHOTE MANJHI R Resident of village- Rohilachak,
P.S.- Dhanarua, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vaishnavi Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 14-03-2023 Heard the learned counsel for the parties.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 05.09.2022, passed by the learned Exclusive Special Court, SC/ST, Patna in Special Case No. 68 of 2021, arising out of Dhanarua P.S.Case No. 43 of 2021, registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 3(i)(w) (i),3(2)(v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for regular bail of the appellant has been rejected.

As per allegation, when the informant was cutting



grass in the field of Suresh Yadav, the appellant came there. He overpowered the informant and committed rape upon her.

Learned counsel for the appellant has submitted that he is innocent and has falsely been implicated in this case. The prosecutrix is admittedly a lady of 30 years of age and the appellant, as per the FIR itself is of 60 years of age. As a matter of fact, he is aged about 65 years. No sign of rape or injury has been found in the medical report. As matter of fact, the informant used to graze her cattle in the field of the appellant and when he prohibited he was falsely implicated in this case. The appellant is in custody since 25.04.2022.

Considering the facts and circumstances as well as the period of incarceration, the appeal is allowed and the impugned order dated 05.09.2022 is set aside. Let the appellant, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act, Patna in connection with Special Case No. 68 of 2021, arising out of Dhanarua P.S.Case No. 43 of 2021 on the following condition:-

The appellant shall appear physically before the trial court on commencement of the trial on each and every date, and his failure to



**appear on two consecutive dates, his bail bond
may be cancelled.**

(Nawneet Kumar Pandey, J)

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