

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4023 of 2022**

Arising Out of PS. Case No.-20 Year-2022 Thana- RAJEPUR District- East Champaran

-
-
1. Nitesh Kumar @ Nitish Ray @ Nitish Rai @ Palli Son Of Lakshman Ray
R/O Vill.- Bariar, P.S.- Rajepur, Distt.- East Champaran, Motihari
 2. Vinay Ray @ Vinay Rai Son Of Lakshman Ray R/O Vill.- Bariar, P.S.-
Rajepur, Distt.- East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Kumari Wife Of Kamal Ram R/O Vill.- Bala Kothi, P.S.- Rajepur,
Distt.- East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.

Learned Special P.P. appearing on behalf of the

State has submitted that notice to the informant has

been served by the Rajepur Police Station.

None appears on behalf of the informant.

The appellants have challenged the order dated

20.10.2022 passed by learned Special Judge, SC/ST,



East Champaran at Motihari in connection with Rajepur P.S. Case No. 20 of 2022 instituted for the offences punishable under Sections 376(D), 34 of the Indian Penal Code and Sections 3(2)(v) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that all the F.I.R named accused persons including the appellants have kidnapped the informant, committed rape and took picture and video of the alleged occurrence.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. It is further submitted that specific accusation of committing rape is against co-accused Vikki Kumar and Subodh Kumar. The allegation against the appellants is that they took photographs and video of the alleged occurrence along with 3-4 other accused persons but there is no proof with regard to the video and picture of the alleged



occurrence. The appellants are languishing in custody since 19.10.2022. A statement has been made in para 3 of the petition that appellant No. 1 is accused in one other case apart from the present one.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that victim has also named the appellants as the persons who were present at the time of occurrence and took picture and video of the alleged occurrence.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 20.10.2022 passed by learned Special Judge, SC/ST, East Champaran at Motihari in connection with Rajepur P.S. Case No. 20 of 2022.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the



like amount each to the satisfaction of learned learned
Special Judge, SC/ST Act, East Champaran, Motihari in
connection with Rajepur P.S. Case No. 20 of 2022.

(Sunil Kumar Panwar, J)

Shageer/-

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

