

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4246 of 2022

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

Arvind Kumar S/O Akindra Ray R/V- Kuwawa, P.S.- Rajepur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Kumari Kamal Ram Resident of Village- Balakothi, P.S.- Rajepur, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raju Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 26-07-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 12.10.2022 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 his 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 appellant have kidnapped the informant, committed rape and took picture and video of the alleged occurrence.

It is submitted by learned counsel for the appellant that appellant is innocent and he has 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 appellant is that he 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 appellant is languishing in custody since 16.09.2022. A statement has been made in para 3 of the petition that appellant is accused in one other case apart from the present one. Moreover, other similarly situated co-accused have been granted privilege of bail vide order dated 09.02.2023 passed in Cr. Appeal(SJ) No. 4023 of 2022.



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 appellant as a person who was 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 12.10.2022.

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 learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Rajepur P.S. Case No. 20 of 2022.

(Sunil Kumar Panwar, J)

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