

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4333 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- SAHPUR District- Patna

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Samsher Ansari @ Shamsheer Ansari Son of Hajrat Ansari Resident of Village-
Iska Nagri, P.S.- Banshila Nagri, District- Ranchi (Jharkhand)

... .. Appellant/s

Versus

1. The State of Bihar
2. Nutan Surin Wife of Sri William Acheega Resident of Village- Oraga, P.S.-
Jaldega, District- Simdega (Jharkhand)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Hriday Prasad
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

9 14-12-2023 This case has been brought under the heading “To Be
Mentioned’ at the instance of the Court. It appears that order no. 8
dated 7.12.2023 has wrongly been uploaded on web-site, granting
bail to the petitioner.

In that view of the matter, order no. 8 dated 7.12.2023,
granting bail to the petitioner, is hereby rescind from website. Let the
correct and complete order no. 8 dated 7.12.2023 be read as under:-

“This case has been brought under the heading ‘To Be
Mentioned’ for making necessary correction in order dated
30.11.2023.

By order dtd 5.10.2023 progress report was called for in
this case but inadvertently the same was again called for on
30.11.2023.

Let this case be listed on 14.12.2023.”

The instant appeal has been filed by the appellant against
the order dated 10.05.2022 passed by learned Special Judge, SC/ST
Patna in Special Case No. 213 of 2021 whereby the prayer for bail of
the appellant in connection with Shahpur P.S. Case no. 282 of 2021



under Section 376, 354A, 504/34 of the IPC and section 3(1)(r), 3(i)(s), 3(1), (3W)(I) and 3(2)(v) of the SC/ST Act was rejected.

As per allegation in the FIR, informant was engaged as laborer in brick kiln where petitioner was also engaged. On 29.07.2021, it is alleged that victim informant was sleeping in the room of co-worker Soni Devi, where the petitioner was also sleeping. It is further alleged that at morning, petitioner misbehaved with the informant. When she protested, then petitioner committed rape with her by putting hand on her mouth.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is a major and married lady. There is delay of four days in lodging the FIR. Statement of the victim lady was recorded u/s 164 Cr.P.C. in which she has expressed her desire to marry with the appellant. The marriage proposal was denied by the appellant, so he has been roped in the present case. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent and languishing in judicial custody since 3.8.2021.

In compliance of order dated 5.10.2023, a progress report was called for and the same has been received.

From perusal of the progress report, it appears that cognizance has been taken against four accused persons,



namely, Soni Devi, Nageshwar Singh, Mithlesh Kumar and the petitioner. Out of these four accused, except the petitioner, all accused persons are on bail. Trial is likely to be concluded within a period of six months.

In contra, it is submitted by learned counsel for the appellant that appellant is languishing in judicial custody since 3.8.2021 and there is no hope of concluding the trial in near future.

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 10.5.2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Shahpur PS Case No. 282 of 2021 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 Special Judge, SC/ST, Patna.

(Sunil Kumar Panwar, J)

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