

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.7 of 2023

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S District- West Champaran

Manish Ram S/O Chandan Ram R/O Mohalla- Ambedkar Colony Baswariya,
P.S.- Bettiah Town, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi D/O Ashok Rajak R/V- Korbaddha Samastipur, P.S.- Muffasil, District- Samastipur, At Resent Residing At Mohalla- Shikshak Nagar Gali No. 04, P.S.- Bettiah Town, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-07-2023 It appears that vide order dated 13.04.2023, notices were issued to the informant/respondent No. 2. The office note dated 21.06.2023 suggests that informant/respondent No. 2 does not reside on the given address.

Heard learned counsel for the appellant and learned Special P.P for the State.

The appellant has challenged the order dated



24.11.2022 passed by learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Mahila (Bettiah) P.S. Case No. 15 of 2020 instituted for the offences punishable under Sections 376(D) of the Indian Penal Code and Sections 3(i)(w-ii), 2(v)(va) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is alleged against the appellant that on promise to marry, he established physical relationship with the informant. It is also alleged that the accused persons have made her thumb impression on plain paper and threatened to kill her.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is a major and married lady and the doctor has not found any sign of recent sexual assault and just to put pressure upon the appellant to solemnize marriage with the informant,



this false case has been registered. The victim in Panchnama at para 47 of the case diary has accepted that her husband name is Kunal Singh but in the F.I.R, she has not mentioned the name of her husband. The mother of the informant in para 59 of the case diary has also accepted the marriage of the informant. The appellant is in custody since 02.06.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 24.11.2022.

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 Additional District & Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah in



connection with Mahila (Bettiah) P.S. Case No. 15 of
2020.

(Sunil Kumar Panwar, J)

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