

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.318 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- MAHILA PS District- Aurangabad

Rati Ranjan Kumar Singh @ Raju Singh Son of Suresh Singh Resident of
Village- Sun Temple Road Near Thakurwadi, Shahpur, Ps- Aurangabad Town,
Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinki Kumari Son of Ram Pravesh Paswan Resident of Village- Pawai
(Sundarganj), PS- Risiyap, Distt- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Mukul Kumari, Adv.
For the Respondent/s	:	Ms.Usha Kumari 1, SPP
For the Informant	:	Ms. Usha Kumari, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-03-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. The Informant, in person, has also appeared
before this Court.

2. The instant appeal has been filed by the appellant
against the order dated 20.12.2023. passed by learned 1st
Additional Sessions Judge cum Special Judge (SC/ST),
Aurangabad whereby the prayer for bail of the appellant in
connection with Mahila P.S. Case No. 31 of 2023 under
Sections 341, 323, 376, 313, 504, 506/34 of the Indian Penal



Code and Section 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act was rejected.

3. The appellant has earlier moved before this Court for grant of anticipatory bail but which was dismissed as withdrawn vide order dated 08.11.2023 passed in Cr.Appl.(SJ) No. 4485 of 2023.

4. The accusation against the appellant is of making physical relation with the victim for the last five to six months and made her pregnant as also aborted the child.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to previous enmity. She has further stated the appellant and the Informant have solemnized their marriage on 17.05.2023 and, therefore, Section 376 IPC is not made out against the appellant. There is a delay of twenty-five days in lodging the F.I.R. without assigning any reason for the same. He further submits that later on, sweet relation has been developed between the parties and have also jointly filed compromise petition on 07.12.2023 before the court below. In the statement under Section 164 Cr.P.C., she has not whispered a single word against the appellant. Charge-sheet has been submitted in this case. Charges have also been framed. Learned counsel for the



appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 03.11.2023 and has no criminal antecedent.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

7. The Informant has herself appeared before this Court in person and has submitted that she has not objection if the appellant is granted bail. She has also stated that she has married to another person namely Rishi Kumar.

8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.12.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST), Aurangabad is hereby set aside.

9. Let the appellant 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 Court



below/concerned Court in connection with Mahila P.S. Case
No. 31 of 2023.

(Rudra Prakash Mishra, J)

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