

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.968 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- IMADPUR District- Bhojpur

Anil Singh son of Late Sadhu Singh Village- West English Ps- Imadpur Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi wife of Vijendra Ray Village- Karam Ps- Tarari Dist- Bhojpur, P/A- West English Ps- Imadpur Dist- Bhojpur Ara

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Malti Kumari, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the OP No. 2	:	Mr. Dharmendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 09-05-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 10-01-2024 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara whereby the prayer for bail of the appellant in connection with Imadpur PS Case No. 131 of 2023, instituted for the offence under Sections 341, 504, 506, 379, 376 & 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(w)(ii) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 24-11-2023,



when the informant was returning to her *sasural* from her *mayka*, in the meantime, the appellant caught and raped her. It is further alleged that when the informant and other members went to the appellant's house, then the co-accused, namely, Loha Singh abused her by taking her cast name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that the allegation levelled against the appellant does not corroborate with the medical report. It is submitted that victim is already married. 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 11-12-2023 and has no criminal antecedent. It is lastly submitted that charge is already framed in this case.

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

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 10-01-2024 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara is hereby set aside.

7. 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 Imadpur PS Case No. 131 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

