

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1543 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- EKANGARSARAI District- Nalanda

Gulshan Kumar, (Male), aged about 18 years, Son of Nawal Kishore Yadav,
R/o village- Milkipur, P.S.- Ekangarsarai, Dist.- Nalanda.

... .. Appellant

Versus

1. The State of Bihar.
2. Mintar Devi, Wife of Sanoj Ravidas, Resident of Village- Repra Keulatar,
P.S.- Fatuha, Dist.- Patna.

... .. Respondents

Appearance :

For the Appellant	:	Mrs. Sujata Sinha, Advocate
For the Respondent No.2:		M/S. Deovind Kumar Singh, S. Anuradha Kumari, Dharmesh Kumar Chaubey and Utpal Kant, Advocates
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 11-07-2024 Heard learned counsel for the appellant, learned counsel
for the respondent no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act), against the refusal of prayer of bail of the appellant vide order dated 23.02.2024, passed by the learned Additional District and Sessions Judge-VI-cum-Special Judge, SC/ST Court, Nalanda at Biharsharif in connection with Ekangar Sarai P.S. Case No. 202 of 2023 registered for the offences punishable under Sections 376, 342, 454, 506 of the



I.P.C. and Sections 3(1)(r)(s)(w)(ii),3(2)(v) of the S.C./S.T. Act.

3. The prosecution case, in brief, is that on 20.09.2023 at about 10-10.30 A.M., the appellant is alleged to have entered the house of the informant and forcibly committed rape on her. The appellant also tore her blouse.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that no body has come to support the prosecution case as alleged in the F.I.R. Learned counsel for the appellant by filing a supplementary affidavit on behalf of the appellant has submitted that the occurrence took place on 20.09.2023 at 10.00 A.M. to 10.30 A.M. and the victim was medically examined on the same day i.e., 20.09.2023 at about 8.00 P.M. and the doctor has opined that there is no evidence suggestive of recent sexual intercourse, there is no external and internal injury present in her private part, annexed as Annexure-2 to the supplementary affidavit filed on behalf of the appellant. It is submitted that there is no castiest remarks alleged against the informant. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. The appellant is in



custody in this case since 21.09.2023.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 23.02.2024, passed by the learned Additional District and Sessions Judge-VI-cum-Special Judge, SC/ST Court, Nalanda at Biharshariff in connection with Ekangar Sarai P.S. Case No. 202 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum-Special Judge, SC/ST Court, Nalanda at Biharshariff in connection with Ekangar Sarai P.S. Case No. 202 of 2023.

(Chandra Prakash Singh, J)

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