

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2005 of 2024

Arising Out of PS. Case No.-65 Year-2023 Thana- DEHRI TOWN District- Rohtas

Akshay Kumar @ Ajay Kumar Son of Shyam Lal Resident of Mohalla-
Salarpur, Khadar, Police Station- Sector 39, Noida, Gautam Budhnagar (U.P.),
at permanent Village- Jaydhara, P.S.- Kayamganj, Dist.- Farukabad (U.P.)

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Sarita Devi Wife of Om Prakash Chaudary Resident of Village- Barah
Patthar, Ward No. 35, P.S.- Dehri Town, Dist.- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raghunandan Kumar Singh, Adv. Mr. Ashutosh Suman, Adv. Ms. Riya Singh, Adv.
For the informant	:	Mr. Shashank Shekhar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, APP

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

ORAL ORDER

4 08-08-2024 Heard learned counsel for the appellant, learned
counsel for the informant 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 against the rejection of prayer for bail of
the appellant vide order dated 18.03.2024 passed by the learned
Additional District & Sessions Judge-17-cum-Special Court
SC/ST(PoA) Act, Rohtas at Sasasram in connection with
Registered Case No. 220 of 2023 arising out of Dehri Town P.S.
Case No. 65 of 2023 dated 24.01.2023 registered for the alleged



offences punishable under Sections 376 and 379 of the Indian Penal Code and Sections 66(E) and 66(A) of the I.T. Act and Sections 3(i)(w), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the appellant is alleged to have committed rape on the informant after making her obscene photographs and videos and started blackmailing her. The appellant also threatened her that if the said fact was disclosed to anyone then all the photos would go viral and also abused her by calling her caste name. The informant became apprehensive and was being blackmailed by the appellant. Thereafter, the appellant sent the obscene photo to the family members of the informant. When the informant's husband asked her, she informed him about the said incident and also alleged that she was being blackmailed. It is further alleged that the appellant took the jewellery and Rs. 50,000/- from the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The occurrence took place on 13.08.2022 but the F.I.R. was lodged on 24.01.2023 and there is no explanation for this delay. Learned counsel has further submitted that the informant



is a married lady aged about 27 years and she is a major. It is further submitted that the appellant was never indulged in the sexual relationship with the informant and only with a view to make a pressure for solemnized the marriage, the informant has lodged the present case against the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The charge-sheet has been submitted against the appellant. Learned counsel has further submitted that during the course of trial, six witnesses have been examined and last witness has been examined on 29.02.2024 and till today no any witness turn up in the trial and the trial is at the snail's pace. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 25.07.2023.

5. Learned Special Public Prosecutor for the State as well as 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 as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated



18.03.2024 by the learned Additional District & Sessions Judge-17-cum-Special Court SC/ST(PoA) Act, Rohtas at Sasasram in connection with Registered Case No. 220 of 2023 arising out of Dehri Town P.S. Case No. 65 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 & Sessions Judge-17-cum-Special Court SC/ST(PoA) Act, Rohtas at Sasasram in connection with Registered Case No. 220 of 2023 arising out of Dehri Town P.S. Case No. 65 of 2023 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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