

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2731 of 2023

Arising Out of PS. Case No.-77 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

GUDDU RAI @ GUDDU RAY Son of Ram Surat Rai Resident of village -
Motipur, P.S. - Motipur, Distt. - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi Wife of Dhamendra Chaudhary Resident of village - Motipur
FCI Godown, P.s. - Motipur, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Bela Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 02-02-2024 1. Heard learned counsel for the appellant and learned
Special P.P. for the State, Mr. Binay Krishna.
2. The office report dated 01.02.2024 records that the
notices have been received by a family member of the
respondent no. 2, as such, the notice is deemed to have been
validly served.
3. No one appears on behalf of the O.P. No. 2.
4. The present appeal has been filed against the order
dated 24.05.2023 passed by the learned Special Judge, SC/ST
(POA) Act, Muzaffarpur in Muzaffarpur Mahila P.S. Case No.
77 of 2021 whereby the regular bail application of the appellant
has been rejected.



5. Learned counsel for the appellant submits that the informant alleges that on 08.10.2021 at around 09:00 PM when the informant went to answer nature's call when she was apprehended by the accused persons including the appellant and they took her to the house of Jagdish Sah and committed gang rape.

6. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. It is next submitted that the allegation as alleged in the FIR is false and fabricated, further except the statement of the victim, no cogent material has come during the course of investigation to suggest the involvement of the appellant in the present occurrence and even the medical report of the victim does not support the allegation as alleged in the FIR. It is next submitted that during the course of investigation statement of Renu and Shobha was recorded at Paras 41 and 42 of the case diary and they have also not supported the case of the prosecution rather they have categorically stated that the informant is in habit of threatening people of implicating in false case. It is next submitted that Vikash Rai @ Vikash Kumar, similarly situated co-accused, has been granted the privilege of anticipatory bail by this Court by an order dated 16.08.2023 in



Criminal Appeal (SJ) No. 2840 of 2022, further Rakesh Rai @ Rakesh Kumar Rai was granted regular bail by a learned Co-ordinate Bench by an order dated 15.09.2023 in Criminal Appeal (SJ) No. 2060 of 2023. It is next submitted that petitioner is in custody since 23.03.2023

7. Learned Spl. P.P. for the State opposes the prayer for regular bail of the appellant.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 24.05.2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No. 77 of 2021 **is hereby set aside** and the appellant above-named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Muzaffarpur Mahila P.S. Case No. 77 of 2021.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

