

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2664 of 2024**

Arising Out of PS. Case No.-170 Year-2023 Thana- THAKURGANJ District- Kishanganj

RAJAUL @ RAJABUL SON OF LATE MAINUDDIN RESIDENT OF  
VILLAGE - SONA CHANDI, PATESARI, P.S. - THAKURGANJ,  
DISTRICT - KISHANGANJ

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. AMLA DEVI WIFE OF SHIVCHANDRA RAM RESIDENT OF  
VILLAGE - SONA CHANDI, PATESARI, P.S. - THAKURGANJ,  
DISTRICT - KISHANGANJ

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Bhola Prasad  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

5      23-09-2024                      Let the physical copy of supplementary affidavit be  
kept on the record.

2. Heard learned counsel for the appellant as well as  
learned counsel for the informant.

3. This appeal has been preferred on behalf of the  
appellant under Section 14-A(2) of the Scheduled Castes and  
Scheduled Tribes (Prevention of Atrocities) Act for setting aside  
the order dated 14.05.2024 passed by the learned Additional  
Sessions Judge-Ist-cum-Special Judge, Kishanganj in  
Thakurganj P.S. Case No. 170 of 2023, registered for the  
offences punishable under Sections 452, 365, 342, 376, 120(B)



of the IPC and Sections 3(1)(r)(s)/3(2)(v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

4. As per allegation, the informant along with her family members had gone to Siliguri to participate in a *Shraadh Karam*, leaving her daughter alone in the house. Meanwhile, the appellant came to her house and committed rape upon her. On alarm being raised by the victim, one Puja Kumari came to save her whereupon the appellant fled away, after abusing her by calling her caste name.

5. At the very outset, the learned counsel for the appellant has submitted by filing supplementary affidavit that no case under Section 376 of the IPC was found to be true, as such, no charge-sheet has been filed under Section 376 of the IPC. The case was found true only under Sections 452, 365, 342, 120(B) of the IPC and Sections 3(1)(r)(s)/3(2)(v) of SC and ST (Prevention of Atrocities) Act. He has submitted further that when the informant realized the fact, she filed compromise petition. The petitioner is under custody since 12.05.2024.

6. Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 14.05.2024 passed by the learned Additional Sessions



Judge-Ist-cum-Special Judge, Kishanganj is set aside.

7. Accordingly, the appellant above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist-cum-Special Judge, Kishanganj in Thakurganj P.S. Case No. 170 of 2023 with the condition that:-

**(i) The appellant shall remain present physically on each and every date before the court below. In case of failure on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bonds of the appellant.**

**(Nawneet Kumar Pandey, J)**

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