

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2702 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- CHAKIA District- East Champaran

Rakesh Prasad @ Rakesh Bhagat Son of Late Chalitar Bhagat @ Charitra Bhagat R/O Village- Sawangiya, P.S.- Madhuban, District- East Champaran at Motihari

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kusmi Devi Wife of Late Vijay Manjhi R/O Vill.- Bara Govind, P.S.- Chakia, Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Karandeep Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 04-09-2024 Heard learned counsel for the appellant as well as learned counsel for the respondent.

2. 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 13.05.2024 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari in Trial No. 30 of 2024 in connection with Chakiya P.S. Case No. 04 of 2024 registered for the offences punishable under Section 376 of the Indian Penal Code & Section 3(i)(d) and 3(i)(w)(i) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. As per allegation, the appellant committed rape upon the informant on the assurance of marriage.



4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He has further submitted that the investigating authorities did not find the case true against the appellant. The victim also did not support the prosecution case during the trial. The certified copy of deposition of the victim has been annexed with the record which shows that she did not support the prosecution case during the trial. The appellant is under custody since 30.01.2024.

5. Learned counsel for the respondent fairly admits that the matter has already been compromised. He has further submitted that the compromise petition has been annexed with the record.

6. In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 13.05.2024 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari is set aside.

7. Considering the above-mentioned facts and circumstances, 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 Special Judge, SC/ST Act, East Champaran at Motihari in Trial No. 30 of 2024 in connection with Chakiya P.S. Case No. 04 of 2024.

8. The petitioner shall cooperate in the disposal of the trial and make himself available on each and every date fixed at the trial, and if he fails to appear on two consecutive



dates, without any reason or unavoidable circumstances, the learned court below shall be at liberty to cancel his bail bond.

(Nawneet Kumar Pandey, J)

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