

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3249 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- MAHILA PS District- Gaya

Kamlesh Singh S/O Jagdish Singh R/O Banke Chak, P.S.-Tankuppa, District-
Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Babita Devi W/O Kuldeep Choudhary Village-Bankechak, Tel Bigha, P.O.-
uttlibara, P.S.-tankuppa, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dayanand Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 Heard learned counsel for the appellant,

learned counsel for the informant and learned Special

Public Prosecutor for the State.

2. The instant appeal has been filed by the
appellant against the order dated 31.05.2023 passed by
learned Exclusive Special Judge SC/ST Act, Gaya whereby
the prayer for bail of the appellant in connection with
Mahila P.S. Case no. 10 of 2023 under Sections 376(D),
506 of the Indian Penal Code and sections 3(1)(r)(s), (w)
(i) of SC/ST Act and Section 67 and 67(A) of I.T. Act was
rejected.



3. Allegation against the appellant and other co-accused Pintu Choudhary is that they ravished the informant and made her video from their mobile, while she was returning after medical checkup of her son. It is further alleged that accused persons made the alleged video viral.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Victim has not whispered about commission of rape in her statement recorded under Section 164 of Cr.P.C. Informant is wedded lady aged about 35 years. Moreover, the appellant is languishing in judicial custody since 03.02.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration that there is general and



omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Mahila P.S. Case No. 10 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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