

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3428 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- KHUDAGANJ District- Nalanda

Lalu Chaurasia @ Lallu Chaurasia @ Ranjan Kumar Son of Subhash
Chaurasia R/V-Village- Bardahaa Pokharpar, P.S.- Khudaganj, Distt.- Nalanda

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Kumar, Adv.
For the informant	:	Mr. Sanjay Kumar, Adv.
		Mr. Krishna Prabhat, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

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

ORAL ORDER

2 26-09-2024 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 of bail of the appellant vide order dated 05.07.2024 passed by the learned A.D.J.- VI-cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Khudaganj P.S. Case No. 34 of 2024 dated 04.04.2024 registered for the alleged offences punishable under Sections 341, 323, 354B, 376 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w), (i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



3. As per prosecution case, the appellant is alleged to have committed rape with the informant while she was harvesting wheat crops. When the informant's family members made complain to the family of the appellant then they were assaulted by the accused persons.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. Both the parties are cov-villagers and next door neighbour. A supplementary affidavit has been filed on behalf of the appellant and learned counsel has submitted in para 3 of the said affidavit, the victim girl has already been examined in the learned trial court by the prosecution as P.W. 1 and she did not support the prosecution case and categorically denied for any sexual assault with her committed by the appellant. Learned counsel has further submitted that the appellant has no concern with the alleged offence. It is further submitted that no member of public was present aementnt 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 appellant is in custody since 14.05.2024. The appellant has clean antecedent as stated in para 3 of the bail petition.

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 05.07.2024 passed by the learned A.D.J.- VI-cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Khudaganj P.S. Case No. 34 of 2024, 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 A.D.J.- VI-cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Khudaganj P.S. Case No. 34 of 2024.

(Chandra Prakash Singh, J)

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