

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3774 of 2024

Arising Out of PS. Case No.-93 Year-2022 Thana- SAHPUR District- Patna

Rajesh Khanna @ Rajesh Kumar @ Rajesh Kumar Verma, son of Surendra Prasad Singh, Resident of Village- Mubarakpur, P.S.- Shahpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rubi Devi, wife of Jitan Manjhi, resident of Village and Post- Jamsaut (Musahari), P.S- Shahpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr.Piyush Kant Singh, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-09-2024

Heard learned senior counsel for the appellant and learned Spl.PP for the State.

2. This is the third attempt of the appellant to seek bail from this Court as his prayer for bail on merit was earlier rejected vide orders dated 22.09.2022 and 24.11.2023 passed in Cr. Appeal (SJ) Nos.1953 of 2022 and 3365 of 2023, respectively.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 09.07.2024 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Special Case No. 42



of 2022, arising out of Shahpur P.S. Case No.93 of 2022, registered for the alleged offences under Sections 377, 504, 506 of the Indian Penal Code and Section 3 (2)(v), 3(i)(xii) and 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution case, allegation against the appellant is that he sexually assaulted and indulged in unnatural sex with the informant.

5. The learned senior counsel appearing on behalf of the appellant submits that the appellant is in custody since 26.02.2022 and only five prosecution witnesses have been examined out of eight witnesses. The learned senior counsel further submits that on earlier two occasions, prayer for bail of the appellant was rejected by this Court. On the last occasion, vide order dated 24.11.2023 passed in Cr. Appeal (SJ) No.3365 of 2023, this Court, while rejecting the prayer for bail, directed the learned trial court to expedite the trial taking into consideration the mandate of the law and take immediate steps for its conclusion within next six months. But till date, the matter has not been disposed of. The learned senior counsel further submits that from the FIR and statement of the victim recorded under Sections 161 and 164 Cr.P.C., no offence under



Section 377 IPC is made out. The learned senior counsel further submits that this case has been filed by the informant for pecuniary gains and the allegations are completely false and concocted. There has been dispute over salary and negligence in school service and for this reason, the appellant has been falsely implicated in this case. The appellant is having no criminal antecedent prior to lodging of this case. Further, there could be no application under the provisions of SC/ST Act in the facts and circumstances of the case as the whole occurrence took place within the confines of the room in the school of the appellant. The learned senior counsel further submits that the informant and other witnesses have been examined and there is no chance of appellant tampering with the evidence or the trial in any manner.

6. Learned Spl.P.P. vehemently opposes the prayer for bail of the appellant. The learned Spl.P.P. submits that there is direct and specific allegation against the appellant for indulging in unnatural sexual offence against a scheduled caste lady informant.

7. Having regard to the facts and circumstances of the case and submission made on behalf of the parties and considering the period of custody of the appellant and further



considering slow pace of the trial and no likelihood of its conclusion in near future, let the appellant above named, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Shahpur P.S. Case No.93 of 2022, subject to the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

V.K.Pandey/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2024
Transmission Date	13.09.2024

