

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4037 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- GORAUL District- Vaishali

Darshan Kumar @ Dharshan Kumar S/O Ram Lal Rai Vill- Bhanpur Barewa,
Ps- Goraul, Dist- Vaishali

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ranjeeta Kumari, W/o Vasudeo Ram, R/o Village- Bhanpur Barewa, P.S.-
Goraul, Distt.-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 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 10.07.2023 passed by learned Court
of Special Judge, SC/ST, Vaishali at Hajipur whereby the
prayer for bail of the appellant in connection with Goraul P.S.
Case no.220 of 2023 under Sections 341, 323, 376(D), 504
and 506 of the Indian Penal Code and Sections 3(1)(w)(i)(ii)
and 3(2)(va) of SC/ST Act was rejected.

3. As per F.I.R., the allegation against the petitioner
is that he abused the informant by her caste name, committed
rape with her forcibly and also prepared a video clip of the



same occurrence.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive of the informant. The F.I.R. has been lodged after the delay of 13 days from the date of occurrence and there is no valid explanation has been given by the informant in the F.I.R. The informant is aged about 35 years old and mother of two children. No one is the independent eye witness of the alleged occurrence. From perusal of the impugned order, it appears that the victim has not been medically examined by doctor or any hospital. 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. The appellant has no criminal antecedent and languishing in judicial custody since 19.06.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that medical examination and statement of the victim recorded u/s 164 of Cr.P.C. were also on record.

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 10.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Goraul P.S. Case No. 220 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 Court of Special Judge, SC/ST, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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