

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4014 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- MAHILA PS District- Gaya

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DEEPU CHAUHAN son of Triloki Chauhan Village- Burki Neema Ps-
Muffasil Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi wife of Anil Das Village- Neema Ps- Muffasil Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Manish Kumar No.2
For the Respondent/s	:	Mr.Usha Kumari 1
For the Informant	:	Mr. Manmohan Kumar

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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 26.07.2023 passed by learned
Exclusive Special Judge SC/ST Act Special Court, Gaya
whereby the prayer for bail of the appellant in connection
with Mahila P.S. Case no. 80 of 2022 under Sections 376,
341, 354(D)/34 of the Indian Penal Code, Sections 67 and
67(a) of I.T. Act and Sections 3(i)(r)(s)(w)(i) and 3(2)(v-a) of
SC/ST Act was rejected.

3. Allegation against the appellant is that he



committed rape with the informant/victim, took her nude photos and video and viral the video.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. The F.I.R. has been lodged after the delay five days. The informant is a 42 years old married and matured lady. As per F.I.R., the victim fainted at the beginning so the narration of allegation by a person who is unconscious and who required her consciousness next morning, describing all the allegations so much in detail is apparently a false and made up story. As per statement of victim recorded U/s 164 of Cr.P.C. she has not made allegation against the appellant in respect of commission of rape. During investigation, no viral video or photo was found from the phone of this appellant rather only a single nude photo was submitted to police by the victim herself. 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 got no criminal antecedent and languishing in judicial custody since 16.09.2022.

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 26.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Mahila P.S. Case No.80 of 2022 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 Special Judge (SC/ST), Gaya.

(Sunil Kumar Panwar, J)

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