

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4080 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- NAUHATTA District- Rohtas

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SRI RAM YADAV SON OF SURYA DEO YADAV RESIDENT OF
VILLAGE - BANUA, TOLA - MAGARDAH P.S. - NAUHATTA,
DISTRICT - ROHTAS

... .. Appellant/s

Versus

1. The State of Bihar
2. RANI KUMARI DAUGHTER OF MUSAFIR RAM RESIDENT OF
VILLAGE - TIYARA KHURD, P.O. - PARCHHA, P.S. - CHUTIYA,
DISTRICT - ROHTAS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 19.07.2023 passed by learned A.D.J.-XVII-cum- Exclusive Special Judge (SC/ST Act), Rohtas at Sasaram, whereby the prayer for bail of the appellant in connection with Nawahata P.S. Case No. 78 of 2023 under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code, Sections 66(E) and 67 of the I.T. Act and Section 3(i)(r)(s) of the SC/ST Act was rejected.

3. It is alleged by the informant that on 07.05.2023, while she was returning to her village then in the way, Akhilesh



Yadav, who was his villager came on the motorcycle and offered her lift. She accepted the offer and sat on the motorcycle, who, instead of taking the motorcycle towards the village, went to the forest and committed rape with the informant. She further alleged that at the same time, three persons including the appellant recorded the said wrong act and later on co-accused Upendra Yadav made the video viral on social media.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The informant and co-accused Akhilesh Yadav were in love with each other and when Akhilesh Yadav denied to marry with the informant, this false case has been registered against him. Admittedly, the appellant has not committed any wrong with the informant nor he has made the video viral of the informant on social media. There is also no eye-witness to the alleged occurrence and the occurrence is of 07.05.2023, the FIR was registered on 27.05.2023. 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. He further submitted that the other co-accused has already been granted bail by this Bench vide order dated 07.12.2023 passed in Cr. APP. (SJ) No. 3741 of 2023. The appellant has no intention to disgrace the



image of the informant in public view. He is languishing in judicial custody since 14.06.2023.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 19.07.2023 arising out of Nawahata P.S. Case No. 78 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Nawahata P.S. Case No. 78 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 A.D.J.-XVII-cum-Exclusive Special Judge (SC/ST Act), Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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