

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4946 of 2023

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

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Pramod Kumar @ Tinku Kumar Son Of Shri Bhuneshwar Singh R/O Of
Village- Sherpur Chakmakhan, P.S.- Kudhani, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjita Paswan Wife Of Vasudev Ram R/O Of Village- Bhanpur Badwa,
P.S.- Goraul, District- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anuj Kumar

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-02-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.08.2023 passed by learned Exclusive Special Judge (SC/ST Act)-cum-Additional District and Sessions Judge, 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) 3(2) (va) of SC/ST Act was rejected.

3. Prosecution case relates to commission of rape with the victim lady(informant) by co-accused along with this



appellant. It is further alleged that they assaulted her and gave dire consequences to her.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. 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 is not named in FIR rather his name came into light in this case on the basis of confessional statement of co-accused person, namely, Darshan Kumar before the police which has got no evidentiary value in the eye of law. As per the statement of the victim recorded under Section 164 of the Cr.P.C., she has not named the appellant in commission of this offence. So far as the injuries of the victim caused by as alleged co-accused along with this appellant, is simple in nature as per injury report which has been annexed in the case diary. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 11.08.2023.

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 of this case as well as the custody of the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.08.2023 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 Exclusive Special Judge (SC/ST) cum Additional District and Sessions Judge, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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