

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5609 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- SOHSARAI District- Nalanda

Sonu Kumar Son of Manoj Sharma Resident of Village - Singorghat, P.S. -
Sohsarai, District - Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar, Advocate
For the Informant	:	Mr.Pankaj Kumar, Advocate
	:	Mr.Ram Murti, Advocate
	:	Mr.Niranjan Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 04-04-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 12.09.2023 passed by Additional District and Sessions Judge cum Special Judge SC/ST Act, Nalanda at Biharsharif whereby the prayer for bail of the appellant in connection with Sohsarai P.S. Case No. 221 of 2023 under Sections 376, 417 of the Indian Penal Code and Sections 3(i)(r) (w)(i)(ii)(s)(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, the allegatin against the appellant is of making physical relations with the victim on the



pretext of marriage.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that allegation against this appellant as levelled in the F.I.R. is false and concocted. Learned counsel further submitted that victim is major. He further submitted that from perusal of the case diary, it appears that medical examination of the victim was not done. Charge has been framed against the appellant. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 05.08.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, and submitted that victim, in her statement recorded under Section 164 of the Cr.P.C., has supported the prosecution version.

6. Considering the aforesaid facts and circumstances of the case and the fact that no medical examination of the victim has been done and charge has already been framed as



well as considering the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 12.09.2023 passed by Additional District and Sessions Judge cum Special Judge SC/ST Act, Nalanda at Biharsharif, is hereby set aside.

7. Let the appellant, abovenamed, 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 Court below/concerned Court in connection with Sohsarai P.S. Case No. 221 of 2023, subject to the following conditions:

(i) One of the bailors shall be own/close member of the family of the appellant.

(ii) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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