

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5627 of 2023

Arising Out of PS. Case No.-489 Year-2022 Thana- PATLIPUTRA District- Patna

Ram Prakash Sao Son of Late Gopi Saw Resident of Village - Khuda Bandupur, Opp. - Durga Mandir, P.S.- Khuda Bandupur, District - Begusarai
At Present Resident of Mohalla - Gosai tola, In house of Sri Prakash, P.S.- Pataliputra, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Runa Devi Wife of Late Pramod Paswan Resident of Mohalla - Gosai Tola, In house of Sri Prakash, P.S.- Pataliputra, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mithlesh Kumar Gupta
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 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 12.10.2023 passed by learned Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Patliputra P.S. Case no. 489 of 2022 under Sections 376, 406, 420, 504 and 506 of the Indian Penal Code and sections 3(2) (V) of SC/ST Act was rejected.

3. Allegation against the appellant is that he established physical relationship with the informant(victim) on the pretext of solemnization of marriage and when



appellant denied to marry with her then this case was instituted by 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. It is further submitted from para-14 of this petition that the informant on dated 04.10.2023 appeared before trial Court and during her cross examination, she told that she has lodged this FIR due to confusion and she has not having knowledge about the contents of FIR and she has simply put her signature upon fardbeyan and in support of this, Annexure-II has been annexed in this petition which is cross-examination of the informant(victim). During her cross-examination, she turned hostile. 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 15.05.2023.

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 period of



custody of the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 12.10.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Patliputra P.S. Case No. 489 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) Act, Patna.

(Sunil Kumar Panwar, J)

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