

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 23 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- BAKHARI District- Begusarai

Santosh Kumar Son Of Umesh Singh Resident Of Village - Beldaur
(CHANANDAH Vasa), P.S. - Beldaur, District - Khagaria

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gaurav Kumar

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 04.12.2023 passed by learned Exclusive Special Judge SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Bakhari (Parihara O.P.) P.S. Case no. 318 of 2023 under Sections 341, 323, 366, 370, 376(D), 504, 506 and 34 of the Indian Penal Code, Sections 3/9 of Immoral Trafficking Act and Sections 3(i) (r) 3(2) (va) of the SC/ST Act was rejected.

3. As per FIR, informant(victim) stated that on 26.10.2023, her villager, namely Santosh Kumar took her to his sister's village on the pretext of marrying with her and on



the side of Parihara road, four other boys were presented after that Sanotosh Kumar(petitioner) said that all these are his friends and you have to establish physical relations with them for which you will be given money when the informant was not ready for this then all persons started beating and abusing to her and also threatened her to kill thereafter all accused persons one by one, forcibly committed physical relation with her and petitioner was standing there.

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. As per impugned order, the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she stated that she out of her own sweet will went with this petitioner to marry with him but in the way they have been forcefully taken by three-four boys and one Nitish, Manish and Sanjeev tied the hand and leg of the petitioner with rope and thereafter Aakash, Chhotu and Bhola all of them committed rape with her forcibly. There is no any allegation against the appellant in commission of rape of the victim(informant). 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 28.10.2023.

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 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 04.12.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Bakhari (Parihara O.P.) P.S. Case No. 318 of 2023 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 (POA) Act, Begusarai.

(Sunil Kumar Panwar, J)

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