

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3056 of 2024**

Arising Out of PS. Case No.-33 Year-2024 Thana- BARACHATTI District- Gaya

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ALOK KUMAR SHARMA @ ALOK SHARMA SON OF SHYAMDEV  
SHARMA @ SHYAM DEV SHARMA RESIDENT OF VILLAGE -  
LALPUR, POLICE STATION - MOHANPUR, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. GUDIYA KUMARI DAUGHTER OF RAJU MANJHI RESIDENT OF  
VILLAGE - LALPUR, POLICE STATION - MOHANPUR, DISTRICT -  
GAYA

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Appellant/s  | : | Mr.Aryan Singh, Adv.            |
| For the Respondent/s | : | Mr. Nilendu Kr. Choudhary, Adv. |
| For the State        |   | Ms.Usha Kumari 1, Spl.PP        |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

5      15-05-2025                      Heard learned counsel for the appellant, learned  
counsel for the respondent and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 against the rejection of prayer for bail of  
the appellant vide order dated 31.05.2024 passed by the learned  
Exclusive Special Judge (SC/ST Act), Gaya in connection with  
Bail Petition No. 1327/2024 arising out of Barachatti P.S. Case  
No. 33 of 2024 dated 13.01.2024 registered for the alleged  
offences punishable under Section 376 and Sections 3(2)(va) of  
the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

**3.** As per prosecution case, the appellant is alleged to have committed rape on the informant. It is further alleged that when the informant's mother and sister-in-law went to the house of the appellant to complaint to his parents but the informant and her family were abused and threatened to be assaulted.

**4.** Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is a delay of 75 days in lodging the F.I.R. without any explanation. The victim is a married lady and she is a major. There was a love affair between the victim and the appellant. It is further submitted that police investigated the matter and came out with a conclusion that no crime as rape took place and have given the final form in Sections 341, 323, 354ACD, 504 of the I.P.C which are all bailable in nature and falsifies the allegation of rape. A copy of the charge-sheet no. 38/2024 is annexed as Annexure-A/2 with the bail petition. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 22.03.2024.

**5.** Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have submitted



that the compromise has taken place between the parties.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 31.05.2024 passed by the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Bail Petition No. 1327/2024 arising out of Barachatti P.S. Case No. 33 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Bail Petition No. 1327/2024 arising out of Barachatti P.S. Case No. 33 of 2024 with the condition :-

*(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.*

**(Chandra Prakash Singh, J)**

Gautam/-

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