

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3982 of 2024

Arising Out of PS. Case No.-513 Year-2023 Thana- BANMANKHI District- Purnia

Bal Kishore Yadav Son of Ramdev Yadav R/o Village- Haripur Kala, Ward
No.10, P.S.- Bhargama, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Komal Kumari D/o Pawan Paswan R/o Village- Haripur Kala, Ward
No.10,Post Office- Hingwa, P.S.- Bhargama, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Chand Prasad Mr. Manoj Kumar Mrs. Pooja Prasad
For the Respondent/s	:	Mr.Sadanand Paswan
For the O.P. No. 2	:	Mr. Raj Kumar

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

ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellant and learned

counsel for the informant as well as learned Special Public

Prosecutor 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 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
02.08.2024 passed by the learned Special Judge, SC/ST Act,
Purnea in connection with Banmankhi P.S. Case No. 513/2023
dated 24.11.2023 registered for the offences punishable under
Sections 365, 363, 342 and 376 of the Indian Penal Code and



Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellant is alleged to have abducted the informant and committed rape on her for 3 days. The appellant also put *sindoor* forcibly on the informant.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has submitted that the occurrence took place on 17.11.2023 but the F.I.R. was lodged on 26.11.2023 after a delay of 9 days. It is further submitted that the victim did not raise any alarm while she was being taken to Banmankhi to Khusthan Udakishunganj. As per the Medical Report, the age of the victim is above 22 and as per the Medical Report, there is no sign of sexual assault. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 20.02.2024.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail. The victim in her statement recorded



u/s 164 of the Cr.P.C. has supported the prosecution case.

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 02.08.2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with Banmankhi P.S. Case No. 513/2023 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 Special Judge, SC/ST Act, Purnea in connection with Banmankhi P.S. Case No. 513/2023, with further 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 bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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