

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3993 of 2024**

Arising Out of PS. Case No.-54 Year-2024 Thana- SONBERSHA RAJ District- Saharsa

Kari Yadav @ Raben Yadav Son of Lakshmi Yadav R/o Village- Padampur,  
Ward No.8, P.S.- Sonbersha Raj, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nathuni Ram Son of Late Sukhdeo Ram R/o Village- Padampur, P.S.-  
Sonbersha, District- Saharsa

... .. Respondent/s

**Appearance :**

|                      |   |                        |
|----------------------|---|------------------------|
| For the Appellant/s  | : | Mr.Vivekanand Singh    |
| For the Respondent/s | : | Mr.Usha Kumari 1       |
| For the O.P. NO. 2   | : | Mr. Dilip              |
|                      |   | Mr. Bijay Kumar Pandey |

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

ORAL ORDER

3      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  
30.07.2024 passed by the learned Additional Sessions Judge 1st-  
Cum- Special Judge, SC/ST Act, Saharsa in connection with  
Sonbersha Raj P.S. Case No. 54/2024 dated 25.03.2024  
registered for the offence/s punishable u/ss 341, 379, 376 and



504 read with Section 34 of the Indian Penal Code and Sections 3(1)(w)(i), 3(1)(w)(ii) of the SC/ST Act.

3. As per the prosecution case, the petitioner and unknown miscreant are alleged to have committed rape on the daughter of the informant. In the meantime, the accused persons also snatched gold nose-pin and earring from the informant's daughter.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is a land dispute between the parties. 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 SC/ST Act. As per the medical report, the victim is a major girl who is aged about 22 years and in the said report, the doctor has opined that sexual intercourse couldn't be established. The appellant has clean antecedent as stated at para 3 of the bail petition. The appellant is in custody since 26.03.2024.

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 by submitting that 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 30.07.2024 passed by the learned Additional Sessions Judge 1st-Cum- Special Judge, SC/ST Act, Saharsa in connection with Sonbersha Raj P.S. Case No. 54/2024 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 Additional Sessions Judge 1st- Cum- Special Judge, SC/ST Act, Saharsa in connection with Sonbersha Raj P.S. Case No. 54/2024, with further condition/s:-

(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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