

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4025 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- VAISHALI District- Vaishali

Mukesh Ram @ Munshi Kumar Son of Binda Ram Resident of Village-
Bhatauliya, P.S.- Goraul, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nishi Kumari D/O Akhilesh Rajak R/O Vill.- Mauna Mahima, P.S.- Belsar
O.P., Vaishali, Dist.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shyameshwar Kumar Singh
For the Informant	:	Mr. Namrata Mishra
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

3 06-02-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 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 against the rejection of prayer for bail
vide order dated 06.08.2024 passed by the learned court of
Exclusive Special court, SC/ST Act, Vaishali at Hajipur in
connection with Vaishali (Belsar O.P) P.S. Case No. 243 of
2024 dated 30.06.2024 registered for the offence/s punishable
u/ss 323, 354B, 454 of the Indian Penal Code and sections



3(1)(x)(xi)(xii)/ 3(1)(r)(s) (w)(i)(ii) / 3(2) (va) of the SC/ST (POA) Act and 67A of the IT Act.

3. As per the prosecution case, the appellant and the co-accused persons were used to molest and show their private parts to the informant while she was going to the college. When the informant's family tried to solve the matter on a social level, the accused persons threatened her to gang rape and acid attack. When the informant's mother solemnized her marriage to another person, then the accused persons sent her obscene video and messages to her husband and threatened to kill the informant and her husband.

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 further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 11.07.2024.

5. Learned counsel for the respondent no. 2 as well



as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

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 11.07.2024 passed by learned court of Exclusive Special court, SC/ST Act, Vaishali at Hajipur in connection with Vaishali (Belsar O.P) P.S. Case No. 243 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 court of Exclusive Special court, SC/ST Act, Vaishali at Hajipur in connection with Vaishali (Belsar O.P) P.S. Case No. 243 of 2024, with the following 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 appellants are liable to be cancelled.

(ii). If the appellant is found involved in similar



nature of offence in future, the prosecution will be at liberty to
move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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