

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5209 of 2024**

Arising Out of PS. Case No.-169 Year-2024 Thana- AURAI District- Muzaffarpur

Sushil Rai @ Sushil Ray Digri Rai @ Digree Rai Village- Abhimanpur PS-
Aurai District- Muzaffarpur

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Chandani Kumari D/o- Shankar Paswan Village- Sasauli PS- Aurai District-
Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bela Singh, Adv.
For the informant : Mr. Nachiketa Jha, Adv.
Mr. Ankur Agraj, Adv.
For the State : Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 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 of bail of
the appellant vide order dated 29.08.2024 passed by the learned
Special Judge, SC/ST (PoA) Act, Muzaffarpur in connection
with Aurai P.S. Case No. 169 of 2024 dated 29.08.2024
registered for the alleged offences punishable under Sections
126(2), 115(2), 109, 64, 352 read with Section 3(5) of the



B.N.S. and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. As per prosecution case, the appellant is alleged to have sexually exploited the informant on the pretext of marriage due to which she became pregnant. When the informant pressurized him for marriage, he refused to marry. It is further alleged that on 23.08.2024, the informant went to the house of Luv Kumar then the family members of the appellant started abusing her by calling her caste name and all the accused persons dragged her by catching hold of her hair and ousted her from the house. It is further alleged that the co-accused Luv Kumar enticed her and brought her at Devi Sthan near Lakhandei river where the appellant and the co-accused persons were present and they assaulted her and thrown her in the said river. Thereafter, she raised hulla and saved her life.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the specific allegation is against the co-accused, Luv Kumar. The appellant has been made accused in this case only because he is the father of the co-accused, Luv Kumar. The appellant has no concern with the alleged offence. 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. The appellant is in custody since 08.09.2024. The appellant has clean antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail 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 29.08.2024 passed by the learned Special Judge, SC/ST (PoA) Act, Muzaffarpur in connection with Aurai P.S. Case No. 169 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 Special Judge, SC/ST (PoA) Act, Muzaffarpur in connection with Aurai P.S. Case No. 169 of 2024.

8. 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
(PoA) Act, Muzaffarpur in connection with Aurai P.S. Case No.
169 of 2024.

(Chandra Prakash Singh, J)

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