

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5318 of 2024

Arising Out of PS. Case No.-27 Year-2020 Thana- MAHILA P.S. District- Samastipur

Govind Kumar S/o Late Anil Ray @ Kamal Ray Resident of Village -
Madhopur, PS- Samastipur Muffasil, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandani Kumari D/o Late Visheshwar Das R/o vill - Madhopur, P.S. -
Samastipur Muffasil, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-02-2025 1. Heard learned counsel for the appellant 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 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 07.10.2024 passed by the learned Special Judge S.C./S.T.
(POA) Act, Samastipur in connection with Samastipur Mahila
P.S. Case No. 27 of 2020 registered under Section 376 of the
Indian Penal Code as well as Sections 3(1)(r)(s)(wi) and 3(2)
(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that
appellant is a person with clean antecedent and the informant



alleges that she had gone to watch TV Programme in the house of Harihar Thakur where the appellant gave her Rs.10/- to purchase Gutkha and when she left for purchasing Gutkha, he followed and pulled her inside a room of Harihar Thakur and started committed rape on which Saket Kumar Singh called her uncle and aunt and other people but appellant did not open the door and thereafter fled away.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that appellant is in custody since 07.10.2024. It is next submitted that informant married thrice but then her husband deserted her and she is in habit of implicating people for extorting money as would manifest from Annexure-3 to the bail application wherein the villagers have also certified that the informant is in habit of instituting such cases. It is also submitted that charge-sheet has been submitted against the appellant, as such, no useful purpose would be served by keeping the appellant in jail. It is further submitted that appellant will not abscond rather will cooperate in the investigation/trial to prove his innocence.

5. Learned Special Public Prosecutor opposed the prayer for bail of the appellant.



6. Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

8. However, if the learned trial court comes to a conclusion that appellant, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the appellant.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

