

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1962 of 2020**

Arising Out of PS. Case No.-60 Year-2020 Thana- CHAUSA District- Madhepura

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PAPPU SHARMA Son of Chandra Kant Sharma Resident of Village-Ghosi,  
Ward No.7, P.S.-Chousa, District-Madhepura.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Shekhar Kumar Singh  
For the Respondent/s : Smt. Usha Kumari-I, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

5      26-02-2021                      Heard learned counsel for the parties.

This appeal filed under Section 14(A) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 2016 has been preferred against the order dated 30.06.2020 in Chousa P.S. Case NO. 60 of 2020 arising out of SC/ST (Special Case ) No. 24 of 2020, whereby the learned First Additional Sessions Judge-cum-Special Judge, Madhepura has rejected the prayer for grant of bail to the appellant.

The appellant is in custody since 09.03.2020. It is alleged in the First Information Report that taking advantage of the situation, when the informant was alone, the appellant caught hold of her and committed rape after shoving a piece of cloth in her mouth so that she could not raise alarm.



Learned counsel appearing on behalf of the appellant has submitted that it is a case of malicious prosecution to settle internal disputes and the case of the prosecution stands falsified, in view of the injury report, which suggests no presence of any visible external or internal injury in the private parts of the body of the prosecutrix nor any sign of recent sexual intercourse. The victim was examined on 08.03.2020 and the occurrence alleged is of 06.03.2020. He has submitted that in any view of the matter, there is no chance of the appellant fleeing from the course of trial or tampering with the evidence, if allowed regular bail.

Considering the above noted submission and the materials on record, in my opinion, a case for grant of regular bail is made out.

The impugned order dated 30.06.2020 passed in Chousa P.S. Case No. 60 of 2020 arising out of SC/ST (Special Case) No. 24 of 2020) by the First Additional Sessions Judge-cum-Special Judge, Madhepura, requires interference, which is, accordingly, set aside.

This application is allowed.

Let the appellant above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two



sureties of the like amount each to the satisfaction of the learned  
First Additional Sessions Judge-cum-Special Judge, Madhepura  
in Chousa P.S. Case No. 60 of 2020 arising out of SC/ST Case  
No. 24 of 2020.

**(Chakradhari Sharan Singh, J)**

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