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**(2022) 05 RAJ CK 0056**

**In the Rajasthan High Court**

**Case No : S.B. Criminal Appeal No. 612 Of 2022**

Imam Bux

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

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**Date of Decision : 13-05-2022**

**Acts Referred:**

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V), 3(2)(Va), 14A(2)  
Indian Penal Code, 1860 — Section 306, 376, 506  
Code Of Criminal Procedure, 1973 — Section 439

**Citation : (2022) 05 RAJ CK 0056**

**Hon'ble Judges : Manoj Kumar Garg, J**

**Bench : Single Bench**

**Advocate : R.S.Chouhan, S.S.Rajpurohit**

**Final Decision : Allowed**

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## **Judgement**

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14A (2) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with FIR No.100/2021, Police Station Chattargarh, Distt. Bikaner for the offences under Sections 376, 306, 506 of IPC and Section 3(2)(V), 3(2)(Va) of SC/ST Act, against the order dated 06.04.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases and Addl. Sessions Judge, Bikaner in Criminal Bail Application No.650/2022 arising out of Sessions Case No.CIS 333/2021whereby, the bail application preferred on behalf of the appellant under Section 439 Cr.P.C. was rejected.

Earlier, the criminal appeal preferred by the appellant was dismissed vide order dt. 16.11.2021 with liberty to file a fresh appeal after recording the statement of witness Santosh.

Learned counsel for the appellant submits that now, the material witness-

Santosh has been examined in the trial court as PW-1. She has been declared hostile. It is further contended that Bhagwana Ram, father of the deceased as well as mother-Sona Devi and uncle-Surja Ram have also been examined as PW-2, PW-3 and PW-4 respectively. All these witnesses do not support the prosecution story and they have turned hostile. There is no evidence on record to connect the appellant with the alleged crime. The appellant is in judicial custody and trial of the case will take sufficient long time. In these circumstances, the appellant may be released on bail.

Learned Public Prosecutor has opposed the prayer for bail. Having regard to the entirety of facts and circumstances of the case and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order 06.04.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases and Addl. Sessions Judge, Bikaner is set aside. It is ordered that the accused-appellant Imam Bux S/o Nazru Khan @ Kazre Khan shall be released on bail in FIR No.100/2021, Police Station Chattargarh, Distt. Bikaner provided he furnishes a personal bond of Rs.1,00,000/- and two surety bonds of Rs.50,000/- each to the satisfaction of the learned trial Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.