

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Appeal (SJ) No.92 of 2022**

Ramawtar Sahu @ Ramavatar Sahu		
@ Ramawatar Sahu	.....	Appellant
Versus		
The State of Jharkhand	....	Respondent

**CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR**

For the Appellant	:	Mr. Ajit Kumar, Sr. Advocate Ms. Akriti Shree, Advocate Mr. Krishna Prajapati, Advocate
For the State	:	Mr. Vijay Kr. Sinha, APP Mr. Rajesh Kr. Mishra, Advocate

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**7/13.10.2022** This appeal is directed against the order dated 31.01.2022, passed in Misc. Criminal Application No.02 of 2022, corresponding to C.N.R. No.JHCB010000082022, arising out of Chaibasa Sadar P.S. Case No.93 of 2018, being S.C./S.T. Case No.01 of 2022, registered u/Ss 354A(2) and 354D(2) of Indian Penal Code, Section 67A of the Information Technology Act and later added Sections 3(1)(r)(w)(ii) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 on 28.08.2018, whereby and where under the bail petition preferred by the appellant was rejected by the Court of Addl. Sessions Judge-I cum Spl. Judge, Chaibasa.

2. The prosecution story as unfolded in the FIR is based on the written report of the informant-cum-victim is that the appellant Ramawtar Sahu is the then secretary-cum-Vibhag Nirikshak of the Padmavati Jain Saraswati Vidya Mandir, Amlatola and the informant-victim was posted as Assistant Teacher in the said school since the year 2002. It has further been alleged that during the period from 08.01.2017 to 10.01.2017, the accused appellant used to call the informant in his house during the period of recess and used to give indecent proposal by showing vulgar videos (obscene) to her and also by sending obscene messages on her mobile. It was also alleged that the appellant had also attempted to outrage her modesty and also used to send porn videos on WhatsApp and the appellant also

threatened the informant to establish the physical relationship with her forcibly and it was further alleged that he used to tease and harass her by taking her caste name and on the basis of the aforesaid information given by the informant- victim, a formal FIR was drawn for the offence punishable under sections 354A(2) and 354D(2) of Indian Penal Code, Section 67-A of the Information Technology Act and later added Sections 3(1)(r)(w)(ii) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard learned counsel for the parties.

4. Learned senior defence counsel Mr. Ajit Kumar appearing on behalf of the appellant submitted that the entire allegations are false and fabricated and he has been implicated in this case at the instance of one Surender Kumar Rai, who was the then Principle of the school and he was ousted from the school on account of his illegal activities, due to which G.R. Case No. 95 of 2016 was pending in the court of C.J.M., Chaibasa and therefore in order to protect himself, a counter case was instituted by said Surender Kumar Rai upon the appellant and his other staffs under G.R. Case No.538 of 2015 and the present case has also been instituted falsely in a concocted manner by the informant victim at his instance. It has also been alleged that the informant victim was removed from the school on 12.08.2018 and thereafter, out of the vengeance, this case has been instituted with false allegations. It has further been pointed out that the appellant is in jail since 22.12.2021 and after submission of the charge sheet, the trial of the case has commenced and during the course of trial, the victim informant has been examined and she has not supported the case of the prosecution. The certified copy of the deposition of the victim recorded during the course of trial has been filed before this court by supplementary affidavit, which is available on record and therefore the appellant deserves to be enlarged on bail.

5. On the other hand, Mr. Rajesh Kumar Mishra, learned counsel appearing on behalf of the victim-informant did not deny the fact that

the victim informant was examined during the course of trial as PW-1 and she has not supported the case of the prosecution.

6. Learned APP appearing on behalf of the state opposed the contentions raised on behalf of the appellant.

7. Having heard learned counsel for the parties, perused the record of the case.

8. It is found that the appellant is in jail since 22.12.2021 and after submission of the charge sheet, the trial of the case commenced and during the course of trial, the victim informant has been examined as PW-1 and the certified copy of the deposition is available on record by way of supplementary affidavit filed on behalf of the a appellant. From the perusal of the certified copy of the deposition of the victim, it is found that she does not support the case of the prosecution and she categorically stated in her deposition that she was not aggrieved with the appellant Ramavatar Sahu and she has totally denied the allegation as presented in the FIR.

9. Having taken into consideration the aforesaid submissions of the parties under the facts and circumstances of this case, the appellant Ramawtar Sahu & Ramavatar Sahu @ Ramawatar Sahu is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the court of learned Addl. Sessions Judge-I cum Spl. Judge, Chaibasa under S.C. / S.T. Act, Chaibasa, in connection with Chaibasa Sadar P.S. Case No.93 of 2018, subject to the conditions as laid down under Section 439 of Cr.P.C. and with a condition that he will co-operate in the trial.

10. Accordingly this appeal is allowed.

**(Navneet Kumar, J.)**