

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2686 of 2017

Arising Out of PS.Case No. -85 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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Anoj Yadav, Son of Late Jit Narayan Yadav, Resident of Village- jamuaha,
Police Station-Kumarkhand (Belari O.P.), District-Madhepura

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Shekhar Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-10-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of bail in connection with H.A. Case No. 246 of 2017, arising out of Mahila (Madhepura) P.S. Case No. 85 of 2015 registered for the offences punishable under Sections 376, 504, 323 of the Indian Penal Code and 3(1)(w)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 25.7.2017 passed by Sri Raman Kumar, Special Judge, SC/ST Act, Madhepura.

Allegation against the appellant is of committing rape upon the informant.

Submission of learned counsel for the appellant is that no such occurrence has taken place as stated in the FIR and at the instance of one Surendra Yadav the appellant has falsely been implicated in this case as earlier appellant was Mukhiya and



thereafter the said Surendra Yadav has been elected Mukhiya and there is election dispute between them. Further submission is that none of the independent witnesses has supported the prosecution case and police after investigation has submitted final form against the appellant but learned Magistrate differing with the opinion of I.O. has taken cognizance against him.

Heard learned Special P.P., who has opposed the prayer for bail on the ground that informant in her statement under Section 164 Cr.P.C. has supported the prosecution case and other two witnesses have also supported the same.

Having heard both sides and in view of the allegation, I am not inclined to grant bail to the appellant.

However, learned trial court is directed to expedite the trial and try to conclude it as early as possible, preferably within a period of nine months.

With the above observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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