

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.964 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

1. Phuleshwar Pandit Son of Bhaglu Pandit Resident of Kasana Marar,
Police Station - Khajuali, District - Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ratanakar Jha

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

08 02.08.2017 Heard learned counsel for the appellant as well as learned
Special Public Prosecutor for the State.

The present appeal has been filed under section 14A of the
SC/ST (Prevention of Atrocities) Amendment Act, 2015 against the
order dated 11.2.2016 passed by Addl. Sessions Judge I, Madhubani
in Mahila (Madhubani) P.S. case no. 58/2015 by which and
whereunder he refused to release the appellant on bail.

Appellant is named accused of the above stated Mahila
(Madhubani) P.S. case no. 58/2015 with allegation that he committed
rape on a young girl who happens to be member of scheduled caste
community. Prayer for bail of the appellant was earlier rejected by this
court vide order dated 18.3.2016 passed in Cr. Misc. no. 12480/2016
but now, appellant challenges his detention in jail on the ground of
delay in trial.

Learned trial court has reported that charge against the



appellant could not be framed as yet and the matter is pending for framing of the charge. Furthermore, learned counsel for the appellant seeks bail on the ground that medical report of the victim creates doubts about story of rape and the fact of the present case reflects that it might be a case of consent of both parties.

Appellant is in jail custody since 24.8.2015 but it is shocking to see that up till now, charge could not be framed against him and learned Special Judge has not assigned any reason of non-framing of the charge even after such a long delay. Moreover, considering the nature of the allegation levelled against appellant as well as submissions of the parties, I do not feel it proper to release the appellant on bail and, again, his prayer for bail in connection with Mahila (Madhubani) P.S. case no. 58/2015 pending in the court of Addl. Sessions Judge I, Madhubani stands rejected.

However, appellant may renew his prayer for bail, if his trial is not concluded within six months from the date of receipt/production of a copy of this order to the concerned court. Learned trial court should expedite the trial of appellant and conclude the same as early as possible, preferably, within six months.

In the aforesaid manner, this appeal stands disposed of.

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(Hemant Kumar Srivastava,J)

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