

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1324 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Uday Kumar Singh Kushwaha @ Uday Kumar Singh @ Uday Pratap Singh
Son of Rameshwar Singh Kishwaha@Rameshwar Singh Resident of
Village- Akhini, P.S.- Nuon, District- Kaimur at Bhabhua.

.... Appellant

Versus

1. The State of Bihar.
2. Neha Kumari Daughter of Ashok Pasi Resident of Village- Akhini, P.S.-
Nuon, District- Kaimur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Shyam Bihari Singh, Advocate

For the Informant : Mr. Tribhuwan Narayan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 04-07-2017

Heard learned counsel for the appellant.

This appeal has been filed for setting aside the order
the order dated 3.9.2016 passed by Additional Sessions Judge-I,
Kaimur, Bhabua, arising out of Mahila (Bhabhua) P.S.Case No. 26
of 2016 registered for the offences under Sections 376 of the
Indian Penal Code, 6 of Protection of Children from Sexual
Offences Act and 3(1)(xi)(2)(v) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act and for grant of
bail to the appellant.

Allegation against the appellant as per FIR is that he
has committed rape upon the informant/prosecutrix.

It has been submitted on behalf of the appellant that
there is contradiction of the statement of the girl recorded under



Section 164 Cr.P.C. and FIR. It has further been submitted that he has falsely been implicated in this case as there is case and counter case between the parties and he is in custody since 31.8.2016.

Heard learned Special P.P. as well as learned counsel for the informant, who opposed the prayer for bail.

From perusal of the record it appears that earlier appellant has moved this Court for grant of bail and after some argument he has withdrawn the bail application (Annexure-1).

In view of allegation, I am not inclined to grant bail to the appellant. The appeal is dismissed.

As the appellant is in custody, learned trial court is directed to expedite the trial and try to conclude it as soon as possible and at the same time, Superintendent of Police, Bhabua is directed to ensure the presence of the witnesses in court on the date fixed.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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