

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2754 of 2018

Arising Out of PS.Case No. -148 Year- 2018 Thana -BARACHATTI District- GAYA

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1. Mukesh Yadav, S/o Balchand Yadav, R/o Village- Piparsot, P.S.- Mohanpur,
District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 23.04.2018 passed by the learned Special Judge (S.C./S.T. Act), Gaya, in connection with Barachati (Mohanpur) Police Station Case No.148 of 2018, registered under Section 376 of the Indian Penal Code and Sections 3(1)(w)(I)(II)/2(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation is that the appellant entered into the house of the informant at 8:00 PM and committed rape against her. Informant is a married lady. She has supported the aforesaid allegation in her



statement under Section 164 Cr.P.C. Moreover, the appellant was apprehended by the villagers at the spot on alarm of the daughter of the informant.

Submission is that the medical report does not corroborate the allegation of commission of rape. Moreover, false implication is there as money of the appellant was due with the informant for the articles sold by the appellant to the informant and just to grab the money false allegation has been leveled .

Considering the nature of allegation and the fact that at this stage there is no need for corroboration of the statement of the victim, I am not inclined to enlarge the appellant on bail. Hence, the prayer for bail is refused. The learned trial Court is directed to expedite the trial and conclude the same preferably within nine months, failing which the appellant would be at liberty to renew the prayer for bail before the trial judge itself, who shall pass a reasoned order.

Accordingly, the appeal stands rejected.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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