

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2818 of 2018

Arising Out of PS. Case No.-33 Year-2018 Thana- MAHILA P.S. District- Bhabhua (Kaimur)

Mahabali Miya, Son of Roshan Miya, Resident of Village- Patesar, Police
Station- Chand, District- Kaimur (Bhabua).

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Pravesh Nath Tiwari
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 11.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in S.C./S.T. Reg. No.83 of 2018, arising out of Mahila (Bhabua) Police Station Case No.33 of 2018 registered under Section 376 of the Indian Penal Code and Section 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he ravished to the informant, who is a married lady aged about 40 years. The victim



has also supported the allegation in her statement recorded under Section 164 of the Code of Criminal Procedure.

Submission of the learned counsel for the appellant is that the appellant is in custody since 11.07.2018. He is a man of clean antecedent and the allegation leveled against him do not corroborate with the medical evidence, nor any other evidence is there. A family member of the informant has stated before the Police that a quarrel took place between the two families for dispute relating to right to use of *Raasta* and for that reason false case has been lodged.

Considering the fact that at this stage there is nothing to disbelief the averrment of the informant, I am not inclined to enlarge the appellant, above named, on bail. Hence, his prayer is refused.

The learned trial court is directed to expedite the trial and conclude the same preferably within nine months.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

abhishek/-

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Transmission Date	

