

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.150 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Sonu Khan S/o Ashalam Khan
2. Ekbal Khan S/o Sabir Khan Both Resident of Village- Sirsi, P.S.
Chainpur, District- Kaimur (Bhabhua).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Achhaibar Singh, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-03-2018

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 by the learned Additional Sessions Judge 1st-cum-Special Judge, Kaimur at Bhabhua, in connection with Mahila Bhabhua Police Station Case No.62 of 2017 registered under Sections 376 (D) of the Indian Penal Code, Section 6 of POSCO Act and Section 3(1) (W) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants and others is of commission of rape against the victim daughter of the informant. The victim has supported the aforesaid allegation in her statement under Section 164 C.P.C.



Submission is that the allegation is not at all corroborated by the medical report available with the case diary. False allegation is there just to harass the appellants. Appellants are in custody since 14.10.2017.

Considering the fact that at this stage statement of the victim cannot be disbelieved, I am not inclined to enlarge the appellants on bail. However, submission is that the parties have settled their scores.

In the circumstances, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months from the date of order/production of a copy of this order. If the trial is not concluded within the aforesaid period, the appellants would be at liberty to renew their prayer for bail.

(Birendra Kumar, J)

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