

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.411 of 2018

Arising Out of PS.Case No. -61 Year- 2017 Thana -BARHARIA District- SIWAN

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1. Gupta Prasad, Son of Motilal Prasad, Resident of Village- Balapur,
Police Station- Barhariya, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binay Krishna, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-02-2018

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 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Siwan, in connection with Barhariya Police Station Case No.61 of 2017 registered under Section 376(D) of the Indian Penal Code and Sections 3(I)(XI) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he along with co-accused ravished to the informant.

Learned counsel for the appellant submits that the allegation is not corroborated by the medical evidence. The



appellant is in custody since 20.06.2017.

Considering the nature of allegation and the fact that at this stage statement of the victim need not find corroboration, 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 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 dismissed.

(Birendra Kumar, J)

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