

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3538 of 2018

Arising Out of PS.Case No. -102 Year- 2018 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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Bideshi Chaudhary, Son of Lalbahadur Kurmi @ Bahadur Chaudhary @ Lal Bahadur Chaudhary, R/o Village-Jaitpur Kala, P.S.-Bhagwanpur, District-Kaimur at Bhabua.

.... Appellant/s

Versus

1. State of Bihar
2. Durga Devi Wife of Munna Paswan, R/o Village-Jaitpur Kala, P.S.-Bhagwanpur, District-Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-10-2018

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 order dated 20.08.2018 in SC/ST Reg. No.90 of 2018 passed by the learned Addl. Sessions Judge-1st-cum-Special Judge (S.C./S.T. Act), Kaimur at Bhabua, in connection with Bhagwanpur Police Station Case No.102 of 2018 registered under Sections 354(B), 506,34 of the Indian Penal Code and Section 3(i)(2)(3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



1989 later on Section 376(D), 323,506/34 of the Indian Penal Code and 3(2)(V) of the SC/ST Act was added.

According to FIR, the appellant alongwith his associate allegedly committed physical harassment to the informant. In the statement under Section 164 Cr.P.C., the victim has clearly stated that the appellant had committed rape against her. The Brother of the informant, who was also there, has also supported the aforesaid allegation of commission of rape and thereafter offence under Section 376(D) I.P.C., and other offences were added in the FIR.

Submission of learned counsel for the appellant is that there is delay of three days in lodging of the FIR. The victim refused to undergo medical check up, she is aged about 20 years. Further submission is that both sides are neighbours and due to trivial dispute, just to harass, false case has been lodged.

Considering the nature of allegation against the appellant and the fact that there is no substantial material to disbelieve the informant, I am not inclined to enlarge the appellant on bail.

Learned Trial Court is directed to expedite the trial.



Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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