

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1306 of 2018

Arising Out of PS.Case No. -39 Year- 2018 Thana -BHAWANIPUR District- PURNIA

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1. Bablu Mandal, Son of Siyaram Mandal @ Haggan Mandal, R/o Village- Baliya,
P.S.- Bhawanipur, District- Purnia.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Dr. Bidhu Ranjan, Advocate

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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), Purnea, in connection with Special SC/ST Case No.44 of 2018/C.I.S. No.44 of 2018, arising out of Bhawanipur Police Station Case No.39 of 2018 registered under Section 376(G)/34 of the Indian Penal Code and Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant and co-accused allegedly committed rape against the informant. The appellant is in custody since 20.02.2018.



Submission of the learned counsel for the appellant is that there is delay of two days in lodging of the FIR which is unexplained. Except the family members of the informant, no other has supported the allegation.

Learned Special Public Prosecutor submits that the victim has supported the allegation in her statement recorded under Section 164 Cr.P.C. and in such cases delay of two days is immaterial at least for consideration of prayer for bail.

Considering the nature of allegation, 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.

Accordingly, the appeal stands rejected.

(Birendra Kumar, J)

Mkr./-

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CAV DATE	NA
Uploading Date	
Transmission Date	

