

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2733 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- KATIHAR

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1. Sk. Shamsher, Son of Late Reyazul Resident of Village Paway, P.S.- Korha,
District- Katihar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Sinha, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-09-2018

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 against the refusal of prayer for bail by order dated 05.07.2018 in G.R.No.2043 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Katihar, in connection with Korha Police Station Case No.164 of 2018 registered under Section 376 of the Indian Penal Code and Section 3(1)(w) (1)(II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant allegedly committed rape against the informant on 16.05.2018. The matter was reported to the police on 17.05.2018, for the reason



that the matter was to be discussed in the Village Panchayat. It has been informed that after registration of the police case, statement of the victim was recorded under Section 164 Cr.P.C., wherein she alleged commission of rape by the appellant.

Submission of learned counsel for the appellant is that the Doctor, who medically examined the victim, did not find any sign of rape. Appellant is in custody since 19.05.2018. Appellant has got no criminal antecedent.

Considering the nature of allegation as well as the fact that there is nothing substantial on the record to doubt the statement of the informant, I am not inclined to enlarge the appellant on bail.

Hence, prayer for bail is refused.

The 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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