

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3262 of 2018

Arising Out of PS. Case No.-188 Year-2017 Thana- SALAKHUA District- Saharsa

Satyam Kumar, Son of Yogendra Yadav, Resident of village- Rampur, P.S.
Sour Bazar, District- Saharsa. Appellant/s

Versus

The State of Bihar. Respondent/s

Appearance :

For the Appellant/s : Mr. Neeraj Kumar, Adv
: Mr. Subesh Sharma, Adv
For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 26-11-2018

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 23.07.2018 in Salkhua P.S. Case No. 188 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge Incharge (S.C./S.T. Act), Saharsa, registered under Sections 376/34 of the Indian Penal Code and Section 3(i)(w)(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, two person allegedly ravished to the informant when she was alone going to her parent's house. She reported the matter soon thereafter to the police and police arrested to the appellant. The appellant was identified by the informant



as one of the rapists. Appellant admitted his guilt before the police and appellant disclosed name of co-culprit- Alok Kumar.

Submission is that Alok Kumar has already been allowed bail by this Court. The Doctor has not found any sign of commission of rape on the victim. Appellant is in custody since 08.09.2017. Investigation of the case is already complete.

The allegation against the appellant is distinguishable from that of Alok Kumar for the reason that Alok Kumar was never put before the informant for identification and the appellant was identified by the informant. The Doctor has not found any sign of rape that would not belie the statement of the informant at this stage. Hence, I am not inclined to enlarge the appellant on bail.

Learned Trial Court is directed to expedite the trial and concluded the same preferably within nine months.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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