

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.517 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- KALYANPUR District- Samastipur

Sanjeev Kumar Sahani @ Sanjeev Kumar @ Bitthu @ Bittu Late Lakshmi
Sahani @ Late Laxmi Narayan Choudhari Resident of Village - Gopalpur,
P.S.- Kalyanpur, Distt.- Samastipur. Appellant.

Versus

The State of Bihar. Respondent/s

WITH
CRIMINAL APPEAL (SJ) No. 1049 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- KALYANPUR District- Samastipur

Santosh Sahni @ Bantha Son of Gango Sahani, Resident of Village- Gopalpur
Navtoliya, P.S.- Kalyanpur, District- Samastipur. Appellant.

Versus

The State of Bihar. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 517 of 2019)

For the Appellant/s : Mr. Ranjan Kumar

For the Respondent/s : Mrs. Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 1049 of 2019)

For the Appellant/s : Mr. Abhay Shankar Singh

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 26-06-2019 As both the criminal appeals have cropped up from the same order, hence aforesaid two appeals are being heard together and disposed of by this common order.

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for bail vide order dated 05.01.2019 passed



by learned Special Judge SC/ST Act, Samastipur in connection with Kalyanpur P.S. Case No. 164 of 2018 registered under Sections 343, 354 (D) (I), 363 and 366/A of the Indian Penal Code and Section 3(i) (r), 3 (i) (s) and 3 (i) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Four F.I.R. named accused persons including the appellants are said to have kidnapped the minor daughter of the informant on the Bolero while she went for defecation but on the following day left her on Barrage succumbing mounting of the social pressure.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. As a matter of fact, the victim was in love with Santosh Sahni and suo motu eloped with him and performed marriage with him. Appellant Sanjeev Kumar Sahani happens to be friend of the said Santosh Sahni, hence he has been falsely implicated in this case. The allegation levelled against the appellants are not specific rather general and omnibus in nature. There is inordinate delay of four days in lodging the F.I.R. The medical report also not corroborates the prosecution case. Appellant Santosh Sahni has been languishig



in custody since 27.11.2018, while appellant Sanjeev Kumar Sahani has been languishing in custody since 25.11.2018.

Learned Special PP for the State opposing the prayer for bail submitted that the appellants are said to have kidnapped the minor daughter of the informant on the Bolero. The victim in her statement under Section 164 Cr.P.C. has candidly stated that all the four accused persons kidnapped her on the Bolero and committed rape against her. On her medical examination, the doctor has also found her age to be 15-16 years i.e. minor and has also opined the establishment of sexual intercourse with her in the past. The said medical examination was made on 07.10.2018. Hence, the appellants do not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. The prayer for bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Samastipur is directed to ensure production of the witnesses in



the case on each and every date fixed without fail.

Let a copy of this order be sent to the Superintendent of Police, Samastipur for needful.

Accordingly, both these appeals are dismissed.

(Prakash Chandra Jaiswal, J.)

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