

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1231 of 2019**

Arising Out of PS. Case No.-154 Year-2016 Thana- BELA District- Sitamarhi

SANTOSH MAHTO Son of Suresh Mahto Resident of Village - Sirisya
Bazar, P.S.- Bela, Distt - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate. Mr. Ashhar Mustafa, Advocate.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

7 31-07-2019 Heard learned counsel for the appellant 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 referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 13.02.2019 passed by learned 1st Additional Sessions Judge, Sitamarhi in connection with Bela P.S. Case No. 154 of 2016, registered under Sections 366, 376, 511, 323, 504, 506 and 34 of the Indian Penal Code and also under Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have taken the informant to Kutti



located in secluded place by splashing some intoxicating substance on her face and subsequently made her conscious and committed rape against her whole night and in the morning he left the place.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case as he refused to perform marriage with the informant. Informant happens to be major. Learned magistrate got the matter inquired through the police officer, who after making inquiry has submitted report finding the case false against the appellant. Appellant has no criminal antecedent and he has been languishing in custody since 1.1.2019. Hence, he may be enlarged on bail.

On the other hand learned Spl. P.P. for the State opposing the prayer for bail submitted that appellant has committed rape against the informant by taking her to Kutti by sprinkling some intoxicating substance on her face and victim in her statement recorded under Section 164 Cr.P.C. has supported the occurrence. Witnesses in para 103, 104 and 105 of the case diary have stated about taking away the victim by the appellant on the date of occurrence.

Having regard to the facts and circumstances of the



case, the Court is not inclined to enlarge the appellant on bail.
Accordingly, present appeal, is hereby rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of framing of charge in this case fixing the case on day to day basis. The Superintendent of Police, Sitamarhi 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 through FAX to the Superintendent of Police, Sitamarhi for needful.

Accordingly, the aforesaid appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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