

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1314 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- MAHILA P.S. District- Siwan

PRASHANT SINGH @ PRASHANT SINGH BAIBHAV Son of Manmohan Singh @ Madanmohan Singh Resident of Village, P.S. and District-Baliya, Originally Resides of Village-Kaithi, P.S-Chaubepur, District-Varanasi (U.P) At present-Posted at Govt. Upgraded School, Banpura, P.S.-Bhagwanpur Hat, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 05-08-2019 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 anticipatory bail vide order dated 05.03.2019 passed by learned 1st Additional Sessions Judge-cum-special Judge, SC/ST, Act, Siwan in connection with Siwan Mahila P.S. Case No. 09 of 2019, registered under Section 376 of the Indian Penal Code and also under Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant is said to have established sexual relationship with the informant for four years on the pretext of performing marriage with her but later on refused to perform marriage with her.

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. Informant by filing petition before the learned lower Court has stated that she has filed this false and frivolous case against the appellant for mounting pressure upon him to perform marriage with her. Medical report also does not corroborate any offence of rape against the informant. 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 on the pretext of performing marriage with her for four years and victim in her statement recorded under Section 164 Cr.P.C. supporting the occurrence has stated that when she became pregnant by the appellant, the appellant got her pregnancy aborted by administering some medicine.

Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the appellant on bail.



Accordingly, prayer of bail, is hereby rejected.

However, the appellant is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below is directed to pass order in accordance with law without being prejudiced by this order.

Accordingly, the aforesaid appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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