

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1724 of 2019

Arising Out of PS. Case No.-77 Year-2018 Thana- SC/ST District- Rohtas

MANJIT YADAV @ MANJIT KUMAR YADAV Son of Ramchandra yadav
@ Ramchandra Singh Yadav Resident of Village - Nidhua, P.S.- Buxar, Distt.-
Buxar. Appellant/s

Versus

The State of Bihar. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Pradhan
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 27-06-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 02.04.2019 passed by learned 1st Addl. Sessions Judge, Sasaram in connection with SC/ST P.S. (Dehri Rohtas) Case No. 77 of 2018 registered under Section 376 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have committed rape against the victim several times and also facilitated the commission of her rape by one Umesh Kumar Singh on the pretext of managing job in the Aaganbari for her.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because the appellant has filed a case of theft of motorcycle against the unknown and during the course of investigation the name of the husband of appellant has emerged in the said occurrence. The informant did not get herself medically examined in spite of insistence of the police. Appellant has no criminal antecedent and has been languishing in custody since 02.04.2019.

Learned Spl. PP for the State opposing the prayer for bail submitted that the appellant himself and one another person, namely, Umesh Kumar Singh committed rape against the victim on the pretext of managing job for her in the Aaganbari. The victim in her statement under Section 164 Cr.P.C. has also supported the occurrence. Hence, the appellant does not deserve bail.

In the facts and circumstances of the case, the prayer for bail of the appellant is hereby rejected and this appeal is dismissed accordingly.

(Prakash Chandra Jaiswal, J)

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