

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1862 of 2019

Arising Out of PS. Case No.-70 Year-2018 Thana- MAHILA P.S. District- Siwan

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Dipu Mahto @ Dipu Kumar Son of Sri Gopal Mahto Resident of Village -
Pandeypur Tola, P.S.- Bhagwanpur Hat, Distt - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 13-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 03.04.2019 passed by learned 1st Addl. Sessions Judge-
cum-Special Judge, Siwan in Mahila P.S. Case No. 70 of 2018
registered under Sections 376(A,B) of the Indian Penal Code,
Section 4/8 of POCSO Act and Section 3(2) v(a) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant is said to have committed rape against
minor daughter of the informant aged about 11 years intruding



into her house.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to land dispute. He happens to be agnate of the informant. Doctor has also not found any sign of rape against the victim. Appellant has no criminal antecedent and has been languishing in custody since 8.01.2019.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that the victim in her statement recorded under Sections 161 and 164 Cr.P.C. has supported the occurrence of rape committed against her. Charge in the case has already been framed, hence, he does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within five months fixing the case on day to day basis from the date of receipt/production of a copy of this order and S.P. Siwan 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 communicated to S.P.
Siwan by fax for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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