

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2166 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- DESARI District- Vaishali

Madan Singh Son of Upendra Singh Resident of Village - Chakeyaz, P.S.-
Desari (Sahdei Bujurg O.P.), District - Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Prabhat
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 16-07-2019 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 09.04.2019 passed by learned 1st Addl. Sessions Judge-
cum-Special Judge, Vaishali at Hajipur in Desari P.S. Case No.
46 of 2019 registered under Sections 376 of the Indian Penal
Code and Section 3(2)(5) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have dragged mentally retarded
daughter of the informant in his house and committed rape
against her while she was proceeding for defecation. On



listening screaming of the victim, villagers congregated there and made the door open.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, the informant and her husband happen to be labourer of the uncle of the appellant, Manoj Singh against whom the appellant has filed complaint petition. He is on inimical terms with the appellant and said Manoj Singh got this false and frivolous case lodged against the appellant through his labourer (informant). On medical examination, doctor has not found any external injury on the person of the victim. Appellant happens to be handicapped by 40 % of his left leg. Appellant has no criminal antecedent and has been languishing in custody since 18.02.2019.

Per contra, learned Spl. PP for the State vehemently opposing the bail prayer of the appellant submitted that the appellant has committed rape against mentally retarded daughter of the informant by dragging her inside his house, and on screaming of the victim villagers got his door opened. Victim in her statement under Section 164 Cr.P.C. has fully supported the prosecution case as evident from the impugned order. Witnesses in paragraphs 8 and 9 of the case diary have divulged



about stepping out of the victim from the house of the appellant weepingly after the occurrence. Witnesses in paragraphs 42 and 44 of the case diary have stated that the victim was extricated from the house of the appellant by getting his door opened by the villagers and the appellant also came out of his house, hence, appellant 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 six months of framing charge and S.P. Vaishali 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. Vaishali by fax for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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