

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2115 of 2019

Arising Out of PS. Case No.-291 Year-2018 Thana- BAHADURGANJ District- Kishanganj

REHAN ALAM Son of Md. Jabir Alam @ Jabir Alam (Under the guardianship of his father Md. Jabir Alam @ Jabir Alam of his Minor Son) Resident of Village - Sangat Tola, Belbadi, P.S.- Bahadurganj, District – Kishanganj, under the guardianship of his father, Md. Jabir Alam @ Jabir Alam of his minor son. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dineshwar Tiwary
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 22-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 13.02.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Kishanganj in connection with Bahadurpur P.S. Case No. 291 of 2018 registered under Section 376 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (s) (v) (w) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have tied the she goat of the



informant as it was grazing his field and when the informant arrived there and tried to extricate her she goat appellant shoving her on the ground committed rape against her and put vermilion on her forehead. When the family members of the informant approached the appellant and his family members after the occurrence they slated them in the name of caste and made them to leave the place.

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 due to land dispute. There is inordinate delay of 46 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellant has no criminal antecedent. Hence, he may be enlarged on bail.

Learned Special P.P. for the State opposing the prayer for bail submitted that there is specific allegation of committing rape against the informant by the appellant and putting vermilion on her forehead. Informant in her further statement and statement recorded under Section 164 Cr.P.C. has supported the occurrence. After the occurrence the appellant lived at the house of the informant for 10 days and but later on left it under agreement entered into between the parties and time taken



in lodging the F.I.R. was consumed in holding the panchayati etc. Hence, the appellant does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant 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 would pass order in accordance with law without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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