

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2233 of 2019**

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA PS District- Aurangabad

Manish Pandey @ Manish Kumar Pandey Son of Nanda Pandey Resident of
Village - Obipur, P.S.- Barem (O.P.),Navinagar, Dsit.- Aurangabad. (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 20-08-2019 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 23.04.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Aurangabad (Bihar) in Mahila P.S. Case No. 4 of 2019 registered under Sections 376, 420 of the Indian Penal Code and Section 3(1)(r)(s)w(i)(ii)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have established sexual cohabitation with the informant for 1-2 years on the pretext of



performing marriage with her, and when she became pregnant, he refused to perform marriage with her.

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 animosity and ulterior motive. Earlier, mother of the informant had filed a case against the appellant and his family members vide Baren (O.P.) P.S. Case No. 347 of 2018. The informant was already married preceding to the occurrence, hence, there is no question of giving assurance of performing marriage with her by the appellant. Barring the aforesaid case lodged by the mother of the informant, appellant has no criminal antecedent. Appellant has been languishing in custody since 04.04.2019.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellant submitted that the appellant has committed rape against the victim time and again for 1-2 years on the pretext of performing marriage with her and finally refused to perform marriage when she became pregnant. Victim in her statement recorded under Sections 161 and 164 Cr.P.C. has supported the occurrence and mother of the victim has also supported the occurrence, hence, the 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 and the appeal is dismissed.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within six months after framing of charge fixing the case on day to day basis and S.P. Aurangabad 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. Aurangabad by fax for needful.

(Prakash Chandra Jaiswal, J)

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