

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2297 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA PS District- Jehanabad

Mintu Kumar Son of Ramswaroop Yadav Resident of Village - Chillori, Tola
Mishrabigha, P.S.- Makhdumpur, Dist.- Jehanabad.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Manoj Kumar Pandey, Adv. Mr. Madan Mohan, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

4 23-08-2019 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 25.04.2019 passed by learned 1st Additional Sessions Judge, Jehanabad in connection with Jehanabad Mahila P.S. Case No. 3 of 2019 registered under Sections 341, 342, 323, 506 & 376 D of the Indian Penal Code, Section 6 of the POCSO Act, and Section 3(1) (g) (s) (w) and 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant along with two other accused persons are said to have taken the daughter of the informant on motorcycle at a desolate place and committed rape against her when she had gone for defecation along with Karina Kumari.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to political rivalry between both the parties. On medical examination no sign of rape was found on the person of the victim. Hence, he may be enlarged on bail.

Per contra, learned Special P.P. for the State vehemently opposing the prayer for bail submitted that the appellant along with two other persons have committed rape against the daughter of the informant by taking her to a desolate place when she had gone for defecation. The victim in her statement under Section 164 Cr.P.C. has supported the occurrence and her companion Karina Kumari in para-61 of the case diary has also stated about taking away the victim by the three accused persons gagging her mouth. 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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