

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2419 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- DHANARUA District- Patna

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Kunnu Kumar Son of Naga Ram @ Baleshwar Prasad Resident of Village -
Deodaha, P.S.- Dhanuarua, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

8 15-11-2019 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 18.04.2019 passed by learned Addl. Sessions Judge-VIII-
cum-Special Judge, SC/ST Act, Patna in Dhanarua P.S. Case
No. 45 of 2019 registered under Sections 363, 365, 366, 341,
342, 376/34 of the Indian Penal Code and Sections 3(i)(r)(s),
3(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Elder aunt of the informant, namely, Taregni Devi
is said to have sold her out to the appellant, who took her to



desolate place and locked in the room and committed rape against her for five days extending threatening of dire consequence.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Informant is a married lady. No Sanha etc. was filed regarding missing of the informant. Doctor has not found any sign of rape against informant. Appellant has no criminal antecedent and been languishing in custody since 2.2.2019, hence, he may be enlarged on bail.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that victim in her statement recorded under Sections 161 and 164 Cr.P.C. have unanimously stated that her elder aunt sold her out to the appellant and appellant committed rape against her for five days locking in the room. Witnesses in paragraphs 5 and 9 of the case diary, have 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.

However, learned court below is directed to



conclude the trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order and SSP, Patna 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 SSP, Patna by fax for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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