

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2277 of 2019

Arising Out of PS. Case No.-8 Year-2018 Thana- MAHILA P.S. District- Siwan

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RAMESH YADAV Son of Dhoda Yadav @ Dhona Ray Resident of Village -
Angya Mathiysa, P.O. Alya, P.S.- Gareakothi, District- Siwan

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

3 22-07-2019 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 for bail vide order
dated 11.04.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, Siwan in connection with POCSO
Trial No.73 of 2019, arising out of Siwan Mahila P.S. Case No.
08 of 2018 registered under Section 376 of the Indian Penal
Code, Section 4, 6.8 and 12 of the POCSO Act and Section 3(1)
(W)II/2 (va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



Appellant is said to have committed rape against the minor daughter of the informant aged about 3½ years while she had gone for defecation.

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. Appellant has been falsely implicated in the case by the informant to extort money from him. There is no eye witness of the occurrence. Charge against the appellant has been framed. Appellant has been languishing in custody since 14.02.2018.

Learned Spl. PP for the State opposed the prayer for bail submitting that there is specific allegation against appellant of committing rape against the minor daughter of the informant aged about 3½ years. The blood was found on the under garment of the victim which was produced before the I.O. On medical examination of the victim, the doctor has found abrasion on the various parts of the person scratch over lower abdomen, over valva, bloodstain over valva and inner side of both thigh present and hymen of the victim ruptured. The doctor has opined the commission of rape against the victim. Hence, the appellant does not deserve bail.

In the facts and circumstances of the case, I am



not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Siwan 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 sent to the Superintendent of Police, Siwan for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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