

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2428 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Shashi Kumar @ Shashi Rajbhar Son of Hari Rajbhar @ Hari Rai Resident of
Village - Udairampur, P.S.- Chainpur, District - Kaimur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

5 06-09-2019 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 09.04.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in Mahila (Bhabua) P.S. Case No. 2 of 2019 registered under Sections 376, 504, 506/34 of the Indian Penal Code, Section 4 of POCSO Act and Sections 3(1)(3), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other unknown



miscreants intruded into the house of the informant in the night and appellant committed rape against her while rest two accused persons stood on guard in the courtyard.

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 to mount pressure upon him to perform marriage with the informant. Informant has also lodged a complaint case regarding the said occurrence and there is discrepancy between facts of case as adumbrated in the complaint petition and the FIR. There is inordinate and abnormal delay of six days in lodging the FIR. Appellant has been languishing in custody since 06.03.2019.

Per contra, learned counsel for the informant and learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that there is direct allegation against the appellant of committing rape against the minor girl (informant) intruding into her house in the night. The informant in her statement recorded under Section 164 Cr.P.C. and witnesses in the case diary have also supported the occurrence, hence, he does not deserve bail.

In 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 nine months from the date of framing charge and S.P. Kaimur 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. Kaimur by fax for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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