

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2341 of 2019

Arising Out of PS. Case No.-33 Year-2017 Thana- MAHILA P.S. District- Siwan

RAJU ANSARI Son of Anarul Ansari @ Anavarul Hak Resident of Village-
Bibi Ka Bangra, P.S.- Barhariya, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mrs. Usha Kumari 1

**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 13.05.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, Siwan in connection with Siwan
Mahila P.S. Case No. 33 of 2017 registered under Section 376 of
the Indian Penal Code, Section 6/8 of POCSO Act and Section
3(x) (xi) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

When the informant arrived at the Barrage Raju



Ansari caught her hold and took her in the paddy field and committed rape against her on the point of knife and on arrival of the villagers responding hulla made by her he made his good escape.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. As a matter of fact, the family members of the informant were playing DJ on the occasion of Viswakarma Puja in the hell of the voice and on the protest made by the appellant this false and frivolous case has been lodged against him. There is no eye witness of the occurrence and the doctor has not found any sexual assault committed against the victim. Appellant has been languishing in custody since 25.04.2019.

Learned Spl. PP for the State opposed the prayer for bail submitting that the appellant has committed rape against the minor girl on the point of knife. The informant in her statement made under Section 164 Cr.P.C. has stated about the occurrence committed against her. I.O. has found the shrubs trampled at the place of occurrence. Witnesses in several paras of C.D. have unanimously stated about divulgence of occurrence to them by the victim immediately after the occurrence. 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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