

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2276 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- SC/ST District- Begusarai

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Bipin Kumar @ Ravi Jee Son of Mahendra Chourasiya Resident of Village-
Saidpur, Police Station-Mansi, District-Khagaria.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Viveka Nand Singh, Adv.
For the Informant	:	Mr. Sandeep Kumar Gautam, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

5 07-08-2019 Heard learned counsel for the appellant, learned
counsel for the informant 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 08.05.2019 passed by learned Special Judge SC/ST Act,
Begusarai in connection with Begusarai SC/ST P.S. Case No. 15
of 2019 registered under Sections 341, 323, 493, 376 & 504/34
of the Indian Penal Code and Section 3 (1) (r) (s) (w) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Appellant is said to have established sexual relationship with the informant for 10 years on the pretext of performing marriage with her but later on he performed marriage with another girl.

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 by the informant to extract money from him. On medical examination of the victim, the doctor has not found any sign of rape committed against her. Several witnesses in the case diary have stated that the informant was not interested to marry with the informant. Appellant has no criminal antecedent and has been languishing in custody since 17.04.2019.

Per contra, learned counsel for the informant and learned Spl. PP for the State vehemently opposing the prayer for bail submitted that the appellant has established sexual relationship with the informant for 10 years under pretext to marry her but, later on, he performed marriage with another girl. The victim in her statement made under Section 164 Cr.P.C. and several witnesses in the case diary have supported the aforesaid case of the prosecution. The medical examination of the victim was made much later to the occurrence, hence the possibility of



finding the sign of rape is rare. 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 six months from the date of framing of the charge. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Begusarai 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, Begusarai for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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