

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2582 of 2019**

Arising Out of PS. Case No.-7 Year-2018 Thana- MAHILA P.S. District- Patna

SOMNATH MAJEE @ SOMNATH MANJHI Son of Mihir Kumar @ Mihir Kumar Manjhi Resident of Village - Bagatbari, P.S.- Adra, Dist.- Puruliya (West Bengal).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 05-08-2019 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 15.05.2019 passed by learned Special Judge, SC/ST Act, Patna in Special Case No. 27 of 2018 arising out of Mahila P.S. Case No. 07 of 2018 registered under Sections 376 and 506 of the Indian Penal Code and Sections 3(i)(w)(I,II) of the SC/ST Act.

Appellant is said to have developed intimacy with the informant and committed rape against her for years on the pretext of performing marriage with her. But later on he refused to perform marriage with her and on giving notice he slated her in the name of her caste.



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 the case by the informant to extract money from him. As a matter of fact, appellant used to render money to the informant to facilitate her study out of humanity and compassion. Appellant has no criminal antecedent and has been languishing in custody since 15.05.2019. Citing the verdict of the Hon'ble Apex Court rendered in the case of K.P. Thimmappa Gowda Vs. State of Karnataka reported in (2011) 14 SCC 475, learned counsel for the appellant has further submitted that the Hon'ble Apex Court has been pleased to give relief to the accused who is said to have established sexual relation with the victim under pretext of marriage, hence the appellant may be enlarged on bail.

On the other hand, learned counsel for the informant and learned Spl.PP for the State vehemently opposing the bail petition submitted that there is specific allegation of committing rape against the informant for years against the appellant on the pretext of performing marriage and the victim in her statement recorded under Section 164 Cr.P.C. has also supported the occurrence. Hence appellant does not deserve bail.



Hon'ble Apex Court in the case of K.P. Thimmappa Gowda Vs. State of Karnataka reported in (2011) 14 SCC 475 has been pleased to give relief to the accused who is said to have committed rape against the victim under pretext of marriage subject to transfer of 2 acres of land to the prosecutrix as undertaken by him. But appellant is not ready to accord any such security or compensation to the informant.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

(Prakash Chandra Jaiswal, J)

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