

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2448 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- CHANDRADIP District- Jamui

RAKKU YADAV @ RAKESH YADAV @ RAKESH RANJAN Son of
Sudama Yadav Resident of Village - Itabandh, P.S.- Chandradeep, Dist.-
Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 21-08-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 25.03.2019 passed by learned 1st Addl. District and Sessions Judge, Jamui in Chandradeep P.S. Case No. 03 of 2019 registered under Section 376 (D) of the Indian Penal Code, Sections 3/4 of the POCSO Act and Sections 3(i)(ii) of the SC/ST Act.

Informant had gone with her paramour namely Vikash Kumar Das at the dam to relish sexual relationship and after relishing the same while she was regressing along with her beau she was caught hold by four accused persons including the



appellant who committed rape against her and then three other miscreants also arrived there and ravished her.

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. Informant in her statement recorded under Section 164 Cr.P.C. has not named the appellant in the occurrence. He has no criminal antecedent and has been languishing in custody since 09.01.2019. Hence he may be enlarged on bail.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that the appellant along with other accused persons have committed gang rape against the informant. Though the informant has not taken the name of the appellant in the occurrence in her statement recorded under Section 164 Cr.P.C. but has stated that seven accused persons committed gang rape against her. Moreover in her statement recorded under Section 161 Cr.P.C. she has taken the name of the appellant in the occurrence of rape against her. Doctor has found dried blood clot on the pubic hair of the victim, her private part bleeding and hymen ruptured and also sign of commission of rape against her. She also found



blood and whitish stain on her attire. On chemical examination of the vaginal swab of the victim, multiple dead and broken spermatozoa and red blood cells were found. Hence the appellant does not deserve bail.

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. Accordingly this appeal is dismissed.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months after framing of charge and S.P., Jamui is directed to ensure production of the witnesses in the case on each and every date fixed in the case without fail.

Let a copy of this order be communicated to S.P., Jamui by fax for needful.

(Prakash Chandra Jaiswal, J)

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