

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2503 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BALTHAR District- West Champaran

MANTU PATEL Son of Prasad Patel Resident of Village- and P.S.- Balthar,
District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amarendra Nath Verma
For the Respondent/s	:	Mr. Sadanand Paswan

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

ORAL ORDER

6 22-10-2019 The FSL report received from the office in sealed
cover is opened in Court.

Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public
Prosecutor for the State, perused the record and the FSL
report.

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 15.03.2019 passed by learned 1st Additional
Sessions Judge, West Champaran at Bettiah in connection
with Balthar P.S. Case No. 01 of 2019 registered under
Section 376 D of the Indian Penal Code and Section 3(1)



(w) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant forcibly took the informant to sugarcane field located on the bank of Jhumka Canal and committed rape against her. He also called his three associates named in the written report by mobile phone and after arriving there they also committed rape against her in turn and then all the four accused persons left the scene.

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, informant suo motu left with the appellant and went at the canal located 5 Km. away from her house and established sexual relationship with her but on spotting her in the objectionable position by villagers. She has lodged this false and frivolous case against the appellant and others to save her skin. Appellant had not escaped from the house after the occurrence rather was apprehended from his house which goes to rule out the prosecution case. The semen and blood found on the attire of the appellant and that of the victim were not matched with the aforesaid persons. Moreover, the parties to the case have



compromised the matter. Appellant has been languishing in custody since 18.01.2019. Hence, he may be enlarged on bail.

Per contra, learned Spl. PP for the State opposing the prayer for bail submitted that the appellant has forcibly committed rape against the victim taking her at canal and also called his three associates by mobile phone who also committed rape against her in turn. The victim in her statement recorded under Section 164 Cr.P.C. has supported the occurrence. The attire of the victim and that of the appellant were seized by the police and was found having bloodstain and semen on chemical examination. Hence, the appellant does not deserve bail.

Learned counsel for the informant appearing before the Court in person submitted that the parties to the case have compromised the matter and the victim is a married lady.

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 four 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.

Let the F.S.L. report be sealed and sent back to the learned Court below.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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