

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2580 of 2019

Arising Out of PS. Case No.-260 Year-2016 Thana- BELAGANJ District- Gaya

Chima Mian @ Md. Chima Mian, aged about 24 years, male, Son of Bedar Mian @ Bedar Ahmad, Resident of Village- Chandauti, P.S.- Belaganj, District- Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Dharendra Kumar-Advocate
For the Respondent : Mr. Binay Krishna-S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

16-11-2019

Heard learned counsel for the appellant as well as

learned Special Public Prosecutor.

2. This appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') has been filed by the appellant for setting aside the order dated 16.05.2019 passed by the learned Exclusive Special Judge, S.C./ S.T., Gaya in A.B.P. No.94 of 2019 whereby he has rejected the application of the appellant for grant of pre-arrest bail in connection with Belaganj P. S. Case No.260 of 2016 instituted inter alia under Sections 376, 511 of the Indian Penal Code and Section 3(1)(s)(w) of the Act.

3. The allegation in the first information report



against the appellant is that on 13.09.2016 at 9.00 A.M. while the victim-informant was near her house, the appellant came from her behind, bodily lifted her and took her to the nearby bush in order to commit rape, but on hulla, her neighbour came, who was also cutting grass in nearby field and rescued her.

4. The prayer for grant of pre-arrest bail of the appellant was rejected on the ground that in view of Section 18 of the Act, the application was not maintainable.

5. The submission of the learned counsel for the appellant is that an absolutely false allegation has been made in the first information report on account of the fact that the victim's husband had purchased a motorcycle from the father of the appellant and an amount of Rs.5,000/- was due to be paid to him. However, in order to put pressure upon him, the instant case has been instituted.

6. The aforesaid defence of the appellant does not find support from the materials collected by the police in course of investigation.

7. Learned counsel appearing for the State has submitted that the witnesses have corroborated the allegations made in the first information report and the victim has also given her statement under Section 164 of the Code of Criminal



Procedure wherein she has fully corroborated the allegations made in the first information report.

8. Regard being had to the facts and circumstances of the case, I find no error in the order passed by the learned Exclusive Special Judge, S.C./S.T., Gaya. The application, being devoid of any merit, is dismissed.

9. In case, appellant surrenders and files an application for bail, the same shall be considered on merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.11.2019
Transmission Date	16.11.2019

