

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2963 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- BIBHUTIPUR District- Samastipur

MANISH KUMAR Son of Ram Prasad Singh Resident of Village - Baira,
P.S.- Kerai, Ward No. 5, P.S.- Bibhutipur, District- Samastipur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

6 04-11-2019 Heard learned counsel for the appellant 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 07.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Bibhutipur P.S. Case No. 50 of 2019 registered under Sections 366A, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Six named accused persons including the



appellant are said to have kidnapped the minor daughter of the informant while she had gone to orchard to fetch bone fire. When the informant arrived at the house of the accused persons and asked them to release his daughter they made him to leave the house slating and assaulting him.

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 due to dirty village politics. There is an inordinate delay of six days in lodging the F.I.R. without assigning any plausible explanation for the said delay. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Moreover, the parties to the case have compromised the matter. Appellant has been languishing in custody since 20.03.2019.

Per contra, learned Spl. PP for the State opposing the prayer for bail submitted that appellant along with other accused persons have kidnapped the minor daughter of the informant. Victim in her statement recorded under Section 164 Cr.P.C. has stated that the appellant Manish Kumar, Sarpanch Arun Kumar Singh and Sujit Kumar committed rape against her forcibly and all the accused persons forcibly married her with the appellant in the temple and the learned lower court vide



letter no.87/2019 dated 22.10.2019 reported that only one non-official witness and two official witnesses are yet to be examined and it will take three months to conclude the trial on extending co-operation by both the parties. 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 three months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in concluding the trial. The Superintendent of Police, Samastipur 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, Samastipur for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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