

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3129 of 2019**

Arising Out of PS. Case No.-74 Year-2018 Thana- MAHILA P.S. District- Siwan

Arun Tiwary Son of Late Chandra Shekhar Tiwari Resident of Village-
Bharatpura, P.S.- G.B. Nagar (Tarwara), District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Bijay Prakash Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna

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

ORAL ORDER

3 06-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 25.06.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Siwan in Siwan Mahila P.S. Case No. 74 of 2018 registered under Section 376 (D) of the Indian Penal Code, Section 4/8 of POCSO Act and Section 3(2) v(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with her friend was proceeding to witness fair of Durga Puja, three named accused



persons including the appellant and two unknown miscreants caught them hold and assaulted them and dragged them to the field and committed rape against them in turn.

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 this case due to animosity and dirty village politics. Doctor has not found any sign of rape against the victims and I.O. has also not found any injury etc. on the person of the victims, which rules out the prosecution case. Appellant has been languishing in custody since 21.10.2018, hence, he may be enlarged on bail.

Per contra, learned Spl. P.P. opposing the bail prayer of the appellant submitted that the appellant along with four other accused persons have committed rape against the informant and her friend by dragging them in the field on the way to the fair of Durga Puja in the night. Both the victims in their statements recorded under Sections 161 and 164 Cr.P.C, respectively, have unanimously supported the occurrence of committing rape against them by the appellant and other accused persons, 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.



Accordingly, his prayer is rejected and the appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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