

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3074 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- KHANPURA District- Samastipur

1. Naresh Mahto Son of Sri Mahavir Mahto Resident of Village- Khairi Tole Kharaj, P.S.- Khanpur, District- Samastipur.
2. Rajesh Mahto Son of Sri Mahavir Mahto Resident of Village-Khairi Tole Kharaj, P.S.-Khanpur, District-Samastipur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Malay Kumar Choudhary, Adv. Mrs. Babita Kumari, Adv. Mr. Pravin Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-09-2019 Heard learned counsel for the appellants 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 02.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Samastipur in connection with Khanpur P.S. Case No. 64 of 2019 registered under Sections 341, 323, 366A, 506 & 376 (A) (B) of the Indian Penal Code, Section of the POCSO Act and Section 3(1) (r) (s) (w) (i)



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

Daughter of the informant is said to have been kidnapped by the appellant and two named accused persons who took her to Samastipur Railway Station and handed over to Pappu Sharma in the train and Pappu Sharma took her to Punjab and committed rape against her in his house. However, she any how managed to escape.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. They happen to be member of scheduled caste community. They never kidnapped the victim rather the victim suo motu eloped with Pappu Sharma and went to Punjab where the parents of the Pappu Sharma chided and assaulted them for taking the girl by him. Thereafter, she was dropped by Pappu Sharma at the Samastipur Railway Station. The allegation levelled against the appellants is not specific rather general and omnibus in nature. They have been languishing in custody since 29.05.2019. Hence, they may be enlarged on bail.

On the other hand, learned Special P.P. for the State vehemently opposing the bail petition submitted that the victim



in her statement made under Section 164 Cr.P.C. has stated that the appellants along with two other accused persons kidnapped her and handed over to Pappu Sharma at Samastipur Railway Station who took her to Punjab. Hence, the appellants do not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. The prayer for their bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of framing of the charge. Both the parties are expected to extend their co-operation in conclusion of 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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