

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3917 of 2018**

Arising Out of PS. Case No.-423 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Shashi Sharma @ Shashi Kumar Sharma son of Shatrughan Sharma, Resident
of Village- Kahuwa, P.S. Sangrampur, District- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarswati Devi Wife of Late Bandhan Mandal Resident of Mohalla-
Koylaghat, PS.- Adampur, District - Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

9 20-08-2019 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 of anticipatory bail
vide order dated 11.09.2018 passed by learned 3rd Addl. District
& Sessions Judge cum Special Judge, Bhagalpur in Kotwali P.S.
Case No. 423 of 2017 registered under Sections 376, 313, 504
of the Indian Penal Code and Section 3(i)(r), 3(i)(w)(ii) & 3(i)
(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.



Appellant is said to have committed rape against the informant in her rented house and did not allow her to lodge case against him alluring her to perform marriage with her. He took her to Jammu and got her pregnancy aborted and refused to perform marriage and slated her in the name of her caste. Family members of the appellant offered Rs. 10,000-20,000/- to the informant to patch up the matter.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, the appellant got his mother operated in the clinic of Dr. Veena Sinha and the informant was the maid servant of said clinic. She developed intimacy with mother and the family members of the appellant, and taking advantage of the same, she has lodged this false and frivolous case against the appellant to blackmail him and to extract money from him. There is inordinate and abnormal delay of around eleven months in lodging the FIR without assigning any plausible explanation for the same. The informant is a married lady. Appellant is also a married person and is a personnel of B.S.F. Appellant has no criminal antecedent, hence, he may be enlarged on bail.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that the informant in her



statement recorded under Section 164 Cr.P.C. has stated that the appellant has committed rape against her at her rented house on the pretext of marriage and took her to Jammu and got her pregnancy aborted by administering medicine and finally drove her out of his house slating her. Mother of the informant has also supported the occurrence.

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.

However, appellant is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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