

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.89 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Samastipur

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AJAY KUMAR @ AJAY YADAV @ JHULWA Son of Shiv Yadav @ Shibu
Yadav Resident of Village - Mangal Garh, P.S.- Hasanpur, District-
Samastipur

... .. Appellant.

Versus

The State of Bihar

... .. Respondent.

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Appearance :

For the Appellant : Mr. Bhubneshwar Prasad, Advocate.
For the State : Ms. Usha Kumari-1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 14-01-2020

Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

This appeal under Section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, is
directed against the order dated 12.12.2019 passed in A.B.P.
No.2873 of 2019, whereby and whereunder the 1st Additional
Sessions Judge, Samastipur, rejected the prayer of the appellant
to grant the privilege of pre-arrest bail in connection with
Samastipur Mahila P.S. Case No.46 of 2019 registered under
Section 376(d) of the Indian Penal Code, Sections 67 and 67(A)
of the Information Technology Act, 2000 and Sections 3(2)(v) of
the SC/ST (Prevention of Atrocities) Act, 1989 (Amendment



2015).

The prosecution case, in brief, is that while the informant was going to the house of her sister-in-law, situated in village-Ghardas, alone, in the way, this appellant caught hold of her forcibly and took her in the Lichi-Sheemer Orchard of Ramchandra Pandit, situated in village-Devdha Dubahi, where Lav Kumar alias Chhotu, Amit Kumar alias Santji, Tuntun Shah, Chhotu Prasad and Sonu Kumar Singh were present from before. Thereafter, all forcibly committed rape on the informant one by one and prepared the video of the same and made it viral.

Learned counsel for the appellant submits that, in fact, on visualizing the videography of the alleged occurrence, the informant came to know that this appellant was not present at the time and place of the alleged occurrence and in this regard, she has also filed an application in the court of the Special Judge, SC/ST Act, Samastipur, on 06.11.2019, which would appear from Annexure-2 to this appeal.

Having considered the facts and the circumstances of the case and the nature of allegation against the appellant, I am not inclined to grant the privilege of pre-arrest bail to the appellant. Accordingly, the prayer of the appellant to grant him the privilege of pre-arrest bail stands rejected.



In the result, this appeal stands dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
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