

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.780 of 2020**

Arising Out of PS. Case No.-61 Year-2017 Thana- BARHARIA District- Siwan

BISHWAKARMA MAHTO, aged about 22 years, Male, S/o- Paras Mahto,
Resident of Village Balapur, PS- Barharia, District - Siwan.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arbind Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 01-06-2020 Heard both sides through video conferencing.

The appellant seeks bail in Barharia P.S. Case No.61 of 2017, giving rise to Special Case No.13 of 2019, registered under Section 376(D) of the Indian Penal Code and under Sections 3(i) (xii) of the SC/ST Act.

The victim made allegation that the appellant and Gupta Prasad committed rape with her one by one.

Learned counsel for the appellant submits that the occurrence took place on 27.02.2017 but the FIR was lodged on 02.03.2017 after 3-4 days' delay. The doctor did not find any sign of rape on the person of the victim. The appellant is in jail since 12.12.2018. The appellant is in jail for 17 months but there appears that there is specific allegation against the appellant and the co-accused Gupta Prasad that both of them committed rape



with the victim one by one.

Taking into consideration the facts and nature of allegation made against the appellant, I am not inclined to enlarge the appellant on bail.

Accordingly, the prayer for bail of the appellant is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

If the trial is not concluded within nine months, the appellant may renew his prayer for bail.

The appeal is accordingly dismissed.

(Prabhat Kumar Jha, J)

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