

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4745 of 2019

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

TUNTUN SAH, son of Late Mangal Sah, Resident of Village - Devdha, P.S. -
Hasanpur, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Shankar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-02-2020

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 19.09.2019 in Mahila P.S. Case No. 46 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Samastipur in connection with the aforesaid case registered under Sections 376(D) of the Indian Penal Code, Sections 67, 67(A) of the I.T. Act, 2000 as well as Section 3(2)(v) of the SC/ST Act.

The appellant is one of the members of the group which committed gang rape against the informant.

Learned counsel for the appellant submits that informant is already a married lady, aged about 35 years. Her statement is not



corroborated by medical evidence or any other evidence. There is delay of thirteen days in lodging of the FIR.

However, there is no material to substantiate any motive for false implication of the appellant or of any other co-accused. The victim is not speaking only against the appellant and others, rather she is speaking against herself while levelling such allegation. Hence, she cannot be disbelieved at this stage.

Accordingly, I am not inclined to enlarge the appellant on bail. This appeal against refusal of the prayer for bail stands dismissed.

Learned Special Judge is directed to expedite the trial of the case.

No observation made in the order shall prejudice the mind of the trial court.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	05.02.2020
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