

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.615 of 2020**

Arising Out of PS. Case No.-49 Year-2019 Thana- MAHILA P.S. District- Banka

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AJAY YADAV S/o Sri Talo Yadav R/o village- Dulampur, P.S.- Jaipur,
District- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Mukherjee, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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

2 05-03-2021 Heard both sides.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 23.12.2019 passed by learned Additional Sessions Judge I-cum-Special Judge (SC/ST), Banka in A.B.P. No.1758 of 2019 by which the learned Special Judge rejected the prayer for anticipatory bail of the appellant in Banka Mahila P.S. Case No.49 of 2019 registered under Section 376 of the IPC and under Section 3(1) (w), (i)(ii) of the SC/ST (POA) Act.

The informant alleged that she along with two other ladies went to the field of Ajay Yadav for work. When the informant went to attend the call of nature near the bank of river, Ajay Yadav came and started teasing her. When the informant protested, Ajay Yadav forcibly put her down on the



ground and committed rape with her. On alarm, both ladies came and saw the occurrence but Ajay Yadav fled away.

Learned counsel for the appellant submits that the occurrence took place on 09.09.2019 but the victim herself disclosed that she went to Deoghar for treatment. The doctor advised her to lodge the case in Mahila P.S. and on such, she came to lodge the case on 11.09.2019 but in fact the victim felt pain and it was a case of miscarriage, that is why the victim went for treatment and only then she came to lodge the case. It is further submitted that the case has been compromised, but it appears from perusal of the F.I.R. and the order of the learned Special Judge that besides the victim, the other witnesses have also supported the factum of occurrence.

Taking into consideration the facts and the nature of allegations made against the appellant, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the same is rejected.

The appeal is dismissed.

(Prabhat Kumar Jha, J)

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