

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1554 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- BAJPATI District- Sitamarhi

Shatrughna Kumar S/o Chandeshwar Rai Resident of Village-Laxmipur,
Police Station-Bathnaha, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mrs. Madhubala Verma, Advocate
For the Respondent/s	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-01-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 23-05-2020 passed by learned A.D.J.-I cum Special Judge, (SC/ST Act), Sitamarhi in Bajpatti P.S. Case No. 265 of 2019 (Trial No. 332 of 2019) registered for the offence punishable under Sections 376/506/34 of the Indian Penal Code and Sections 3(1)(W-i)(W-ii)/2 (va) of SC/ST Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, on 05-08-2019 at about 6:30 PM, while the informant was going to attend call of nature near the bank of Adhwara river, this appellant caught her and forcibly committed rape upon her.



It is submitted on behalf of the appellant that actually, there was love affairs between the appellant and the informant, but a false and fabricated case has been lodged against this appellant. It is further submitted that though victim was examined by the Medical Board, but the doctor has not found any sign of rape and age of the informant has been assessed to be 19-20 years. It is further submitted that when the informant realized her mistake, she has filed a petition before the court below stating therein that on instigation of some persons, she had filed present case and now, she does not want to proceed with the case.

However, learned Special P.P. for the State has vehemently opposed the appeal and submitted that there is specific allegation against this appellant of committing rape and the victim (informant) has also supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C.

Considering the aforesaid facts & circumstances, the appeal, which has been filed for grant of bail, stands dismissed.

(Prabhat Kumar Singh, J.)

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