

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2115 of 2020

Arising Out of PS. Case No.-1488 Year-2015 Thana- NAWADAH COMPLAINT CASE

District- Nawada

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Binay Singh, aged about 42 years, male, Son of Sri Rajendra Prasad Singh,
Resident of Village - Ohari, P.S. - Kadirganj (O.P.), Nawadah, District -
Nawadah.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Manti Devi, aged about 37 years, Wife of Maheshwar Das, Resident of
Village - Pachohia, P.S. - Kadirganj (O.P.), Nawadah, District - Nawadah.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar Samrendra, Adv.

For the Informant : Mr. Udit Narayan Singh, Adv.

For the State : Mr. Vinay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 05-01-2021 Heard Mr. Rakesh Kumar Samrendra, learned

Advocate for the appellant and Mr. Udit Narayan Singh,

learned Advocate for the informant. The State is

represented by Mr. Vinay Krishna, learned Special Public

Prosecutor.

This appeal is directed against the order dated



11.09.2020 passed by the learned 1st Addl. District and Sessions Judge-Cum-Special Judge (SC/ST Act), Nawadah in connection with Special (H) Case No. 329 of 2017, arising out of Complaint Case No. 1488 of 2015, registered for the offences under Section 376(D) of the Indian Penal Code and Section 3(1), (w) (i) and (ii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of bail of the appellant has been rejected.

Learned counsel for the appellant has drawn the attention of this Court to the averments made in the complaint petition, the solemn affirmation and other materials to canvass that the prosecutrix is not a trustworthy person. In support of the aforesaid assertion, he has stated that sometimes later than the institution of the present complaint, another F.I.R. was lodged by the prosecutrix alleging that the appellant had tried to outrage her modesty on her refusal to compound the case which was lodged by her against him earlier. It has further been submitted that the aforesaid F.I.R. was investigated and the police found



the accusation to be absolutely false. In that case, most of the witnesses have stated that the case has been lodged by the prosecutrix at the instance of one Awadhesh Mahto, who had, at one point of time, made attempts at killing the appellant.

There is a history of litigation between aforesaid Awadhesh Mahto and the appellant.

Learned counsel for the informant as well as for the State, however, have harped upon the direct accusation of rape multiple times at the hands of the appellant.

Considering the nature of accusation against the appellant and the circumstances, I am not inclined to interfere with the order of the Court below.

The prayer for bail of the appellant is rejected.

However, the Court below is directed to conclude the trial at the earliest, preferably within a period of one year from the date of receipt/production of a copy of this order and if there is no substantial progress in the trial within that period and which delay would not be attributable to the appellant, he would be at liberty to approach the Trial



Court first for grant of bail. In that event, the Trial Court would be required to record reasons for the delay in non-conclusion of the trial.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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