

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2019 of 2020**

Arising Out of PS. Case No.-2 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

SHASHI KUMAR @ SHASHI RAJBHAR S/O Hari Rai R/o Village
Udayrampur, P.O. Parbatpur, P.S. Chainpur, District Kaimur at Bhabua.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 01-02-2021 Heard the learned counsel for the appellant and Sri Binay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 16.03.2020 passed by the learned Additional District & Session Judge-1st cum Special Judge, Kaimur at Bhabua in POCSO Reg. No. 03 of 2019 in connection with Mahila (Bhabua) P.S. Case No. 02 of 2019 registered under Sections 376, 504, 506, 34 of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(1)(r), 3(1)(s), 3(2)(v) of



the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

The appellant herein along with two unknown miscreants is alleged to have intruded into the house of the informant in the alleged night of occurrence, whereafter the appellant had committed rape with the informant while rest of the two miscreants were standing on guard in the courtyard.

The learned counsel for the appellant has submitted that the appellant is languishing in custody since 06.03.2019 and the trial has not been completed although this Court, in its earlier order dated 06.09.2019 passed in Criminal Appeal (SJ) No. 2428 of 2019, had observed that the trial should be completed as expeditiously as possible, preferably within a period of nine months from the date of framing of charge.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.



I have heard the learned counsel for the appellant and Sri Binay Krishna, the learned Spl. P.P. for the State and I find that the prayer of the appellant for grant of bail has already been rejected once by this Court by an order dated 06.09.2019 passed in Criminal Appeal (SJ) No. 2428 of 2019, hence, there being no change in circumstances since the day the prayer of the appellant for grant of bail was rejected earlier till date and further considering the fact that the appellant is alleged to have committed the heinous crime of rape, I do not find any reason to reconsider the prayer of the appellant for grant of bail, hence, the present appeal stands dismissed.

(Mohit Kumar Shah, J)

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