

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 421 of 2021**

Arising Out of PS. Case No.-129 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

MD BARIK Son of Abdul Sattar Resident of Village - Mahinathpur, P.S.-
Manihari, Distt.- Katihar, At present Kamat Tola Sirniya, P.S.- Muffasil,
Distt.- Katihar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Md Musowir, Advocate
For the Respondent/s : Ms Usha, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-03-2021

Heard learned counsel for the appellant and the learned
Special PP for the State.

2 The appellant has preferred the present Appeal under
Section 14 A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*)
against the refusal of his prayer for regular bail vide order dated
03.09.2020 passed by Additional Sessions Judge VI -cum- Special
Judge, SC/ST Act, Katihar in a case registered under Sections
366A, 323, 504, 120B/34 of Indian Penal Code (for brevity, *IPC*),
later on added with Section 376 of IPC, Section 4 of Protection of
Children from Sexual Offences Act and Sections 3 (r) (s) (w) of
SC/ST Act in connection with Mufassil Police Station Case No
129 of 2019.

3 Prayer for bail was earlier rejected under order dated
20.12.2019 (Annexure 1).



4 Appellant is stated to be in custody since 27.08.2019.

5 The allegation of committing rape upon the minor girl and kidnapping her stands corroborated by deposition of the victim recorded under Section 164 of Criminal Procedure Code. It is in these circumstances that the prayer for bail was earlier rejected.

6 In the instant appeal, this Court had called for a report regarding the stage of the trial. The report suggests that the matter is pending for evidence.

7 Learned counsel for the appellant submits that no progress whatsoever has been found at the trial, even as per report received from the Court concerned.

8 Learned Special PP for the State has submitted that specific allegation of rape has been supported by the minor victim who is aged about 13 – 14 years, therefore, the defence of consensual relationship is irrelevant.

9 In the circumstances, this Court is not inclined to allow the prayer for bail. The same is rejected.

10 Accordingly, the appeal is dismissed.

11 The trial Court is directed to expedite the trial without any undue delay or unnecessary adjournments.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
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