

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3734 of 2021

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Samastipur

TUNTUN SAH, Son of Late Mangal Sah, Resident of Village - Devdha, P.S. -
Hasanpur, Distt. - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy, Advocate
For the Respondent/s : Mr. Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-11-2021

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 18.08.2021 in Samastipur Mahila P.S. Case No. 46 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, Samastipur registered under Section 376(D) of the Indian Penal Code, Sections 67, 67(A) of the Information Technology Act, 2000 as well as Sections 3(2) (v) of the SC/ST Act.

The appellant is one of the members of the group which committed gang rape against the informant.

In the past, prayer for bail was refused by this



Court on 04.02.2020 vide order at Annexure-1 on merit.

Submission is that co-accused Sonu Kumar Singh has been allowed bail by a Coordinate Bench of this Court on 19.03.2021. Appellant is in custody since 23.07.2019.

Aforesaid order of this Court was not brought to the notice of the Bench which was hearing the prayer for bail of co-accused Sonu Kumar Singh. The Coordinate Bench was persuaded to grant bail by the fact that only material against the accused persons was statement of the victim and her husband.

Since the victim cannot be disbelieved at this stage, I am not inclined to enlarge the appellant on bail in connection with the aforesaid case. This appeal against refusal of the prayer for bail stands dismissed.

Learned Court below is directed to expedite the trial of the case.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.11.2021
Transmission Date	18.11.2021

