

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.740 of 2022**

Arising Out of PS. Case No.-334 Year-2021 Thana- TURKAULIYA District- East
Champaran

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SHUSHIL KUMAR S/o Umesh Prasad R/o village- Shankar Saraiya, Tola
Bankat, P.S.- Turkaulia, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 28-07-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State as well as learned counsel for
respondent no.2/informant.

2. The appellant has preferred the present appeal
under Section 14A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act (for short
'the Act') against the order dated 17.11.2021 passed by
the learned A.S.J.-cum-Special Judge, SC/ST (POA) Act,
Champaran, Motihari in connection with Turkauliya P.S.
Case No. 334 of 2021 registered under Sections 406, 420,
323, 504, 506 and 376 of Indian Penal Code and under
Sections 3(1)(r)(s) of the Schedule Caste and Schedule



Tribe (POA) Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2, served upon and duly represented.

5. The appellant is named in FIR and is in custody since 11.09.2021.

6. The allegation against the appellant is to commit rape upon informant on the false pretext to arrange a suitable employment for her and also to cheat Rs. 1,50,000/-, from informant/victim.

7. Learned counsel for the appellant submitted that it is highly improbable to pay a cash of Rs. 1,50,000/-, without giving any knowledge to family members. It is also submitted that from bare perusal of FIR, it appears, that difference between the parties are due to cash transactions of Rs. 1,50,000/-, causing present false implications of the appellant. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.



8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

9. Learned Special P.P. for the State duly assisted by learned counsel of the informant/respondent no. 2, Shri Arvind Kumar, while opposing the prayer of bail submitted that victim girl/informant supported the factum of rape through her statement recorded under Section 164 of the Cr.P.C. having specific allegation against appellant.

10. In view of the submissions, as made above, as victim girl supported the factum of rape through her statement recorded under Section 164 of the Cr.P.C. against appellant, this Court, at present, is not inclined to grant bail to the appellant.

11. Accordingly, the prayer of bail of the appellant is rejected herewith.

12. Hence, appeal stands dismissed.

13. Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within six (6) months.



Superintendent of Police, East Champaran, is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time as above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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