

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1471 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- BARARI District- Katihar

Tabarak Ali, S/o Late Anis Hazi, R/o Village- Kothotiya, P.S.- Barari, District- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi, W/o hari Naryan Sharma @ Haflu Sharma, Resident of Village- Sujapur, P.S.- Barari, District- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Pandey, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 15-09-2022

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

Office note shows the notice has been validly served upon the respondent no.2. However, no one is present on behalf of the respondent no.2. Hence, the matter has been put up for hearing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 22.03.2022 passed by the learned 1st Additional



Sessions Judge-cum-special Judge, Katihar in connection with G.R. Case No. 2583 of 2021 arising out of Barari P.S. Case No. 147 of 2021, registered for the alleged offences under Sections 376, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i)(r)(s) (w-i) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the appellant called the informant for some labour work in his field and finding her alone, committed rape with her. The informant was also threatened that her semi-nude photographs would be made viral if she filed a case.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The FIR has been registered after delay of 15 days of the occurrence. The appellant has been falsely implicated in order to extort money from him. In her statement recorded under Section 164 of Cr.P.C., the informant has stated that rape has not been committed by the appellant. Dispute over payment of money is also mentioned in her statement. The appellant is in custody since 09.03.2022 and the charge-sheet has been submitted in this case.



Learned Spl.PP opposes the prayer for bail submitting that there is specific allegation against the appellant and the same has been supported by the informant in her statement in paragraph 7 of the case diary. The informant has also supported the case in her statement recorded under Section 164 Cr.P.C. that the appellant put her down and made wrong video of her. The informant has again stated in her statement recorded under Section 161 Cr.P.C. that the appellant committed rape with her and made video of it.

Perused the records.

Having regard to the submissions made hereinabove and considering the specific and serious nature of allegation against the appellant a lady of weaker section of society, I am not inclined to enlarge the appellant on bail.

Hence, the appeal is dismissed.

However, the trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.09.2022
Transmission Date	16.09.2022

