

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1953 of 2022**

Arising Out of PS. Case No.-93 Year-2022 Thana- SAHPUR District- Patna

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Rajesh Khanna @ Rajesh Kumar @ Rajesh Kumar Verma, Son of Surendra Prasad Singh, R/O Village/At- Mubarakpur, P.S.- Shahpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ruby Devi, Wife of Jitan Manjhi, R/O Village And Post- Jasmant (MUSAHRI), P.S.- Shahpur, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mrs. Devika Rani, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 22-09-2022

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date or 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 25.04.2022 passed by learned Exclusive Special Court, SC/ST Act, Patna, in connection with Shahpur P.S. Case No. 93 of 2022, registered for the alleged offences under Sections 377, 504, 506 of the Indian Penal Code and Sections 3



(2) (v)/3 (i) (xii)/ 3 (x) (xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the informant used to work in the private school being run by the appellant doing maid job. On the fateful day, the appellant sexually assaulted the informant.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case in order to extort money and to blackmail. The appellant has been running this school for last twelve years and ten lady teachers have been working there, but prior to the occurrence there has been no such complaint. The FIR has been registered after a delay of three days of the occurrence and there is no satisfactory explanation for the delay. The informant is a married lady, aged about 35 years, having three children and the appellant is a married man of 48 years having two children. It is not believable that the appellant would indulge in such offence. The occurrence did not take place in public view and hence no offence under the provisions of the SC/ST (POA) Act would be made out. Learned counsel further submits that even during investigation the statement of witnesses are not consistent with the informant. The appellant is in custody since 26.02.2022 and



charge-sheet has been filed.

Learned Spl.PP opposes the prayer for bail submitting that the informant has made specific allegation against the appellant and the same shows perversity on the part of the appellant apart from the nature of reprehensible act.

Perused the records.

Having regard to the nature of allegation which is quite grave and serious, I am not inclined to enlarge the appellant on bail. Hence, the prayer for bail is rejected.

Accordingly, this appeal is dismissed.

(Arun Kumar Jha, J)

Rajnish/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.09.2022
Transmission Date	23.09.2022

