

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.18 of 2022**

Arising Out of PS. Case No.-19 Year-2021 Thana- MAHILA PS District- Gaya

RAKESH KUMAR @ RAKESH SINGH S/o Sachiandra Singh @ Satendra Singh Resident of Village-Pakadih, P.S.-Bodh Gaya, District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Kumari Daughter of Shubodh Bishwakarma Resident of village-Pakaddih, P.S.- Bodh Gaya, Dist-Gaya

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sudhir Kumar Sinha, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, Special P.P.

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

- 3      28-09-2022      1.      Heard learned counsel for the appellant and learned Special P.P. for the State, on point of admission and on merit also.
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 31.11.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Mahila P.S. Case No. 19 of 2019 registered under Sections 376 and 509 of Indian Penal Code.
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, but informant failed to join the present proceeding.
5. The appellant is named in FIR and is in custody since 12.08.2021.
6. The allegation against the appellant is to commit rape upon informant/victim.
7. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case, due to local disputes and differences. It is further submitted that as per medical report, hymen of victim found intact, denying the allegation of rape. It is also submitted that the appellant is a man of clean antecedent and moreover, nothing can be gathered from face of FIR that the act of the appellant may falls under the category of atrocities, as defined under the Act. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, 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, while opposing the prayer of bail submitted that informant/victim specially alleged this appellant to commit rape upon her, as per her statement, recorded under Section 164 of the Cr.P.C. It is further submitted that non-finding of injury on private part could not lead to a conclusion, *ipso-facto*, that rape was not committed upon. It is also submitted that rape is a legal finding not a medical one.
10. In view of the submissions, as made above, as informant/victim specifically alleged this appellant to commit rape upon her, through her statement, recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to this appellant, at present.
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 day-to-day basis, if required, so as trial may conclude within 09 (nine) months from the



date of receipt of a copy of this order.

14. S.S.P., Gaya, 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 directed above.

(Chandra Shekhar Jha, J)

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