

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.283 of 2023**

Arising Out of PS. Case No.-22 Year-2022 Thana- MAHILA P.S. District- Sheohar

BHARAT NARAYAN JHA S/o Late Kishori Jha R/v- Sarwarpur, P.S.-
Tariyani, District- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. POOJA KUMARI W/o Santosh Das R/v- Sarwarpur, P.S.- Tariyani, District-
Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nachiketa Jha

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 13-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 2.12.2022 passed by learned ADJ 1st-cum-Special Judge SC/ST Act, Sheohar whereby the prayer for regular bail of the appellant in connection with Seohar Mahila P.S. Case no. 22 of 2022 under Sections 376, 307, 323, 341, 504, 506 of the Indian Penal Code and section 3(i)(r), 3(i)(s), 3(2)(v), 3(2)(va) of SC/ST (Prevention of Atrocities Act) Act was rejected.

As per allegation in the FIR, on 18.6.2022 at 5 A.M. victim had gone out of the house for natural call but she did not return within time. After two hours, an information was provided by a child to the informant that her mother-in-law was lying in a field



and her hands and feet were tiding. Thereafter informant with her other family members rushed towards the place of occurrence and found her mother-in-law lying in field in unconscious condition. On 22.6.2022 she told that appellant had committed rape with her after tiding her hands and feet and threatened her for dire consequences.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Deceased is an old lady, aged about 72 years and she died due to ailment during treatment. No one is the eye witness of the alleged occurrence. Her statement could not be recorded because of she was unable to speak. The appellant has no intention to commit murder or disgrace the image of the informant in public view. Medical report does not corroborate the prosecution story. After investigation, chargesheet has been submitted by the I.O. u/s 341, 323, 304, 354B, 504 and 506 of the IPC and u/s 3(i)(r), 3(i)(s), 3(2)(v), 3(2)(va) of the SC/ST (POA) Act and not against Section 376 IPC. Appellant has surrendered before the court below on 20.08.2022 and since then he is languishing in judicial custody.

The application for bail is opposed by learned Spl. P.P. for the State and submitted that informant in her restatement has supported the prosecution story.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, I do not find it appropriate to grant anticipatory bail to the appellant and, as such,



his prayer for anticipatory bail is rejected.

The application stands disposed off.

The trial court is directed to expedite and conclude
the trial.

(Sunil Kumar Panwar, J)

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