

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1773 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- BARGAINIA District- Sitamarhi

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RAMESH RAI @ RAMESH RAY S/o Sri Khobhari Rai Resident of Village-
Masaha Alam 03, Bengahi, P.S.- Bairgania, District- Sitamarhi.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Raj Kumari Devi W/o Nagendra Ram R/o Ward No.9, Vill- Nandwara, P.S.-
Bairgania, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Madan Kumar
For the Respondent/s	:	Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-05-2023 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 13.06.2021 passed by learned Additional District & Sessions Judge VI-cum-Special Judge, Sitamrhi whereby the prayer for bail of the appellant in connection with Bairgania P.S. Case no. 117 of 2021 under Sections 366(A), 380/34 of the Indian Penal Code and section 3(i)(r)(s) of SC/ST (Prevention of Atrocities Act) Act was rejected.

Allegation against the appellant and other accused persons are of abducting the minor daughter of the informant on pointing the weapons. They insulted the informant by taking his caste name and on protest made by him, all the accused persons



including the appellant assaulted him.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is languishing in judicial custody since 14.6.2021.

The application for bail is opposed by learned Spl. P.P. for the State and submitted that statement of the victim girl was recorded u/s 164 Cr.P.C. wherein she has made specific allegation of rape against the petitioner resulting into her pregnancy.

Having heard learned counsel for the parties and taking into consideration the fact that there is direct allegation of rape against the appellant, I do not find it appropriate to grant bail to the appellant and, as such, his prayer for grant of bail stands rejected.

The appeal stands disposed off.

The learned trial court is directed to expedite and conclude the trial within the stipulated period as asserted in the status report failing which, the appellant will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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