

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1810 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- HULASGANJ District- Jehanabad

CHHOTU RAM @ BIRANJAN KUMAR Son of Sanjay Ram Resident of
Village - Mirzapur, P.S.- Hulasganj, District - Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sima Devi Wife of Birendra Paswan R/o vill- Mirjapur, P.S.- Hulasganj,
Dist- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vikramdeo Singh Mr. Manoj Kumar
For the Respondent No-1:		Mr. Binay Krishna
For the Respondent No-2:		Mr. Amresh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 12-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No-2.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 28.04.2022,
passed by Ld. A.D.J. 1st Jehanabad arising out of Hulasganj
P.S. Case No. 16 of 2022, registered for the offences
punishable under Sections 341, 376 and 511 of the Indian
Penal Code and Section 3(i)(r)(s) and 3(2)(va) of the SC/ST
Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is



that when the victim was going to Bhagwanpur for ration, the accused-appellant finding the victim alone caught the breast of the victim from behind and thereafter put her down on the earth and attempted to commit rape upon her and after scratching by nail and cutting by teeth, she could be released to save her and thereafter the villagers came there.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that at-most the case is made out under Section 354(B) and not under Sections 376 read with 511 of the Indian Penal Code. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 24.03.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail submitting that the alleged victim belongs to the weaker Section i.e. Scheduled Castes and there is very serious allegation of not only outraging her modesty but even attempting to ravish her and only due to protest she could save herself. As such, appellant does not deserve bail.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order.

This appeal is accordingly dismissed.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, the appellant is at liberty to renew his prayer for bail.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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