

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3365 of 2023**

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

Rajesh Khana @ Rajesh Kumar @ Rajesh Kumar Verma, S/O Surendra
Prasad Singh ,R/O Village- Mubarakpur, P.S.- Shahpur, Dist. Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ruby Devi, wife of Jitan Manjhi Resident of Village and Post-Jamsaut
(Mushahari), P.S.-Shahpur, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Piyush Kant Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

Date : 24-11-2023

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

2. This is the second attempt of the appellant to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 22.09.2022 passed in Cr. Appeal (SJ) No.1953 of 2022.

3. 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 vide order dated 09.06.2023 passed by the 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 Section 3(2)(v), 3(i)(xii) and 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution case, allegation against the appellant is that he sexually assaulted and indulged in unnatural sex with the informant.

5. The learned counsel for the appellant submits that the appellant is in custody since 26.02.2022 and only two prosecution witnesses have been examined till date. The learned counsel further submits that this case has been filed by the informant for pecuniary gains and the allegations are completely false and concocted. There has been dispute over salary and negligence in school service and for this reason, the appellant has been falsely implicated in this case. The learned counsel further submits that there is no likelihood of conclusion of trial in near future.

6. Learned Spl.P.P. vehemently opposes the prayer for bail of the appellant. The learned Spl.P.P. submits that there is direct and specific allegation against the appellant for indulging in unnatural sexual offence against the scheduled caste lady informant.



7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the prayer for grant of bail to the appellant has been rejected on earlier occasion because of serious nature of allegation against the appellant, I do not find that there is any substantial change of circumstances which will require consideration of the application for grant of bail. Accordingly, his prayer for grant of bail is rejected.

8. This appeal is dismissed.

9. However, learned trial court is directed to expedite the trial taking into consideration the mandate of the law and take immediate steps for its conclusion within next six months.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
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