

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3833 of 2022**

Arising Out of PS. Case No.-20 Year-2022 Thana- RAJEPUR District- East Champaran

SUBODH KUMAR @ SUBODH RAM SON OF MAHENDRA RAM R/O  
VILLAGE- KUAVAMAL, P.S.- RAJEPUR, DISTRICT- EAST  
CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. RUPA KUMARI WIFE OF KAMAL RAM R/O VILLAGE- BALAKOTHI,  
P.S.-RAJEPUR, DISTRICT- EAST CHAMPARAN

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Nachiketa Jha  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

5      18-04-2023                      Learned counsel for the appellant is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard learned counsel for the appellant as well as  
  
learned counsel for the informant.

This appeal has been preferred on behalf of the  
  
appellant under Section 14-A(2) of the Scheduled Castes and  
  
Scheduled Tribes (Prevention of Atrocities) Act for setting aside  
  
the order dated 11.07.2022, passed by the learned Special Judge  
  
SC & ST Act, West Champaran, Motihari in connection with  
  
Rajepur P.S. Case No. 20 of 2022, registered for the offences  
  
punishable under Sections 376 (D)/34 of the Indian Penal Code



& Section 3(2)(v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, six named accused persons along with the appellant dragged the informant in a hut and the appellant and co-accused Vikky Kumar committed rape upon her and the rest accused persons made video clip. It has further been alleged that prior to the occurrence also the appellant and other accused persons used to tease the informant. The accused persons threatened the victim that had she narrated the occurrence to anybody they would make viral the vulgarous video.

The learned counsel for the appellant has submitted that there is delay of five days in lodging the FIR and there is no explanation about the delay. He has also submitted that the charge sheet has been submitted. He has further submitted that the appellant himself belongs to scheduled caste, as such, the provisions of SC/ST Act is not attracted prima facie.

On the other hand, the learned Spl.P.P. has submitted that the delay has been explained in the FIR itself. The victim has stated that due to threat given by the accused persons she could not come to the police station on time. He has submitted further that even if it is assumed to be true that the provisions of



SC/ST Act does not apply, even then the allegation is serious.

In my view, the appellant does not deserve the privilege for bail. Accordingly, it is rejected.

The learned trial court is directed to expedite the trial and dispose it of as early as possible.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

SONALI/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

