

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3927 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- MAHILA P.S. District- Vaishali

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1. MANOJ RAI Son of Surendra Rai @ Surendra Prasad Yadav R/v- Narayanpur Dedhpura, P.S.- Mahnar, District- Vaishali
 2. KRISHNA RAI Son of Late Bilat Rai R/v- Narayanpur Dedhpura, P.S.- Mahnar, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. PUNAM DEVI Wife of Jatan Das R/v- Shivra Rupauli, P.S.- Shahpur Patory, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 04-04-2023 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 Spl.P.P. for the State assisted by the 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 31.08.2022, passed by the learned Court of Special Judge, SC/ST, Vaishali at Hazipur in connection with Mahila P.S. Case No. 32 of 2022, registered for the offences punishable under Sections 341, 342, 323, 376D, 504, 506, 506/34 of the Indian Penal Code & Section 3(1)



(r),3(1)(s),3(1)(w)(i)(ii),3(2)(Va) of SC and ST (Prevention of Atrocities) Act.

As per allegation, the informant was coming to her house from hospital with her husband. Three persons including the appellants met them on the way, they asked the husband of the informant as to where they have to go. Her husband apprised them that they would go Mahindwara. They requested the husband of the informant to travel by shared tempo. When they reached near Chak Fatah High School, two persons caught hold of her husband and at the butt of pistol, they committed rape upon the victim one by one.

Learned counsel for the appellants has submitted that they are innocent and falsely been implicated. The FIR was lodged on 11.08.2022, but it reached to the court below on 12.12.2022. He has submitted further that the accused Prabhat Rai and Pawan Rai were implicated in Mahnar P.S. Case No. 19 of 2022, and these two persons are next door neighbors of Pramod Das, the husband of the informant. Pramod Das requested the appellants to pressurize Prabhat Rai and Pawan Rai to withdraw the case and when the appellants denied they have falsely been implicated in this case. He has also submitted that the investigating authorities submitted the final form but differing with the same the learned Magistrate took cognizance.

The learned counsel for the informant as well as learned Spl.P.P. has opposed the prayer for bail and submitted that neither the appellants nor the informant or her husband have any connection



with Mahnar P.S. Case No. 19 of 2020. The learned counsel have also submitted that the victim in her statement under Section 164 of the Cr.P.C. has fully corroborated her earlier version mentioned in the FIR. The prosecuting case is corroborated by medical evidence. The doctor has opined that external examination was suggestive of forced sexual assault committed on her.

Considering the above-mentioned facts and circumstances and the allegation which is supported by the medical evidence, I am not inclined to grant bail to the bail appellants. The appeal is dismissed.

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)

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