

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.994 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- RAJEPUR District- East Champaran

Shioshankar Kumar @ Shivshankar Kumar S/o Tuntun Sahani R/o Vill -
Bhud Kudawa, P.S. - Rajepur, Dist. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Shobha Devi W/o Chandan Paswan R/o Vill - Bhud Kudawa, P.S. - Rajepur,
Dist. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjana Srivastava
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 12-09-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 11.01.2024 passed by the learned Special Judge, East Champaran at Motihari in connection with Rajepur P.S. Case No. 156 of 2023 dated 08.07.2023 registered for the alleged offences punishable under Sections 366, 376, 341, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.



3. As per the prosecution case, the petitioner is alleged to have taken the informant to an unknown place and committed rape on her for sixteen days. Thereafter, the informant disclosed the incident to her husband whereupon her husband and her father-in-law went to the house of the petitioner where the accused persons abused the informant's husband by calling caste name and assaulted him, causing injury.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. Learned counsel has submitted that the victim is a major lady who knows the consequence of the act of the petitioner. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case under SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 22.11.2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant by submitting that the victim in her statement recorded u/s 164 of the Cr.P.C. has supported the



prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the appellant, I am not inclined to set aside the impugned order dated 11.01.2024 passed by the learned Special Judge, East Champaran at Motihari in connection with Rajepur P.S. Case No. 156 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

