

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2053 of 2024

Arising Out of PS. Case No.-497 Year-2023 Thana- GHORASAHAN District- East
Champaran

Manish Kumar @ Manish Kumar Singh son of Om Prakash Singh @ Neta
Singh Village- Ghughua Ps- Ghorasahan Dist- East Champaran ... Appellant
Versus

1. The State of Bihar
 2. Chunni Devi wife of Mukesh Paswan Village- Ghughua Ps- Ghorasahan
Dist- East Champaran
- Respondents

Appearance :

For the Appellant	:	Mr.Niranjana Prasad Singh, Advocate
For the Respondents	:	Mr.Binay Krishna, Spl.P.P
For respondent no.2	:	Mr. Gaurav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-11-2024 Heard the parties.

2. This appeal has been filed against the order dated 22.3.2024 passed by learned Special Judge, SC/ST (PoA) Act, East Champaran, Motihari in connection with A.B.P. No. 4504 of 2023 arising out of Ghorasahan P.S. Case No. 497 of 2023, registered under Sections 420, 328, 376, 506 of the Indian Penal Code, Section 67 of I.T. Act and Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for regular bail of appellant has been rejected.

3. The prosecution story, in brief, is that the informant was working as maid in the house of the appellant and on 30.06.2023 at about 9:00 PM, appellant, after having fed spurious sweets to the informant, committed sexual assault upon her and recorded the same on his mobile.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to past enmities and with a view to tarnish



social image. Further submission is that the First Information Report has been lodged after a delay of 2 months of the alleged occurrence without any explanation. It is next submitted that the informant borrowed a sum of Rs. 50,000/- from the appellant for her daughter's marriage and she was not in a mood to return the same and due to ill motive of the informant and to digest Rs. 50,000/- this false and fabricated case has been lodged. It is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out. Appellant is a man of clean antecedent.

5. Learned Spl. Public Prosecutor for State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the nature and seriousness of the alleged offence, I do not find any reason to interfere with the impugned order. Accordingly, this appeal is dismissed.

(Prabhat Kumar Singh, J)

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