

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2348 of 2024

Arising Out of PS. Case No.-54 Year-2023 Thana- MAHILA PS District- Aurangabad

Sajjan Singh @ Sajan Singh @ Sanjan Singh Son of Durga Singh Resident of
Village - English, P.S. - Aurangabad (M), District - Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar.
2. Suga Devi @ Rani Wife Of Sudarshan Paswan Resident of Village -
Karhara, P.S. - Mali, District - Aurangabad. Presently Resident of Village -
Jasoiya More, Bhartholi, P.S. - Muffasil, District – Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Ms. Sakshi Deep, Adv.
For the State	:	Mrs. Usha Kumari No.1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 27-09-2024 Heard learned counsel for the appellant, and learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 22.03.2024 passed by learned Special Judge (SC/ST) cum 1st Additional Sessions Judge, Aurangabad whereby the prayer for bail of the appellant in connection with Mahila P.S. Case No. 54 of 2023 registered for offence under Sections 376, 342, 504, 506 of the Indian Penal Code and Sections 3(1) (r) (s) / w (i) (ii) / 3(2) (v) of the SC/ST (POA) Act, was rejected.

3. As per prosecution case, the accusation has been



made against the present appellant of committing rape upon the Informant/victim. It is alleged that the informant/victim was also threatened by the accused/appellant not to disclose the occurrence to anybody otherwise she would be killed. The appellant also abused her in her caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case due to personal grudge with a sole intention of making money. He further submits that the appellant has denied for the medical examination. Charge-sheet has been submitted in this case against the appellant under Sections 376, 342, 504, 506, 120(B) of the Indian Penal Code and Sections 3(1) (r) (s) / w (i) (ii) / 3(2) (v) of the SC/ST. The appellant is in custody since 22.02.2024 and has one criminal antecedent in which he has been acquitted on 07.11.2022 as has been stated in Para-3 of the present appeal. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 24.06.2024 passed in Cr. Appeal (S.J.) No. 838 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that there is a direct allegation of rape upon the appellant. The victim/informant, in her statement made



under Section 164 Cr.P.C., has specifically stated that the accused/appellant has committed rape upon her. The offence alleged against the appellant is serious in nature and, hence, he does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case taking into account the nature and gravity of the offence as also there being direct allegation of rape upon the appellant, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the prayer for bail of the appellant, above named, is rejected.

8. In the result, the appeal stands dismissed.

(Rudra Prakash Mishra, J)

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