

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2248 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- KHODAWANDPUR District- Begusarai

GUDDU KUMAR @ GUDU KUMAR, MALE, AGED ABOUT 18 YEARS,
S/o Ram Nandan Sharma @ Nandan Sharma Resident of Village-Begampur,
Ward No.-4, P.S.-Khodawandpur, District-Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ruby Kumari D/o Sri Ramishwar Ram Resident of Village-Daulatpur, Ward No.-6, P.S.-Khodawandpur, District-Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Onkar Nath, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 19-03-2024 Heard learned counsel for the appellant and learned Special P.P. for the State, on point of admission and on merit also.

2. Learned Special P.P. appearing for the State submitted that notice has been validly served upon the informant, where, no one appears on behalf of the informant.

3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 07.05.2022 passed by the learned Exclusive Special Judge SC/ST (POA) Act, Begusarai in



connection with Khodawandpur P.S. Case No.69 of 2022 registered under Sections 376 of Indian Penal Code and Section 3(2)(v) of SC/ST Act.

4. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

5. The allegation against the appellant is to have committed rape upon the informant on the pretext of marriage.

6. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. It is submitted that there is love affairs in between the parties. It is also submitted that in medical examination no sign of sexual assault has been found upon the body of the informant. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the SC/ST Act. It is further submitted that appellant is a man of clean antecedent and he is in custody since 31.03.2022.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in *State of Madhya Pradesh Vs. Parasram @ Purushottam, as*



reported in 2015 (153) AIC 276.

8. Learned Special P.P. for the State opposes the prayer for bail of the appellant.

9. In view of the allegation as made and as specific allegation is against this petitioner as regard to committing rape upon the informant and it appears from report of learned court below that the arguments of this case at the advance stage and only three months is required to conclude the trial of this case, this Court is not inclined to grant bail to the appellants, at this stage.

10. Accordingly, the prayer of bail of the appellants is rejected herewith.

11. Hence, appeal stands dismissed.

12. However, learned trial court is directed to conclude the trial of this case, within a period of 03 (three) months from the date of receipt of a copy of this order, where, appellant may be at liberty to renew his prayer for bail before learned trial court, if the trial could not conclude within specified period.

(Ramesh Chand Malviya, J)

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