

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2685 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- MAHILA PS District- Gaya

CHHOTU YADAV @ CHHOTU KUMAR SON OF KARU YADAV
RESIDENT OF VILLAGE - BAJAURA, P.S. - DOBHI, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR, PATNA
2. SUGIYA DEVI WIFE OF RAM CHANDRA MANJHI RESIDENT OF
VILLAGE - SHIVRATIPUR, P.S. - DOBHI, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shivendra Prasad, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Sanjay Kumar Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 28-06-2024 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 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
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 04.05.2023 passed by
learned Court of Exclusive Special Judge, SC/ST, Gaya in
connection with Mahila P.S. Case No.52 of 2022, registered u/s
376 of the IPC and sections 3(i), (r), (s), (w), (I) 3(2), (v-a) of
the SC and ST (Prevention of Atrocities) Act.

3. Allegation against the appellant is that of committing rape
upon the victim.



4. Learned counsel for the appellant submits that the appellant is innocent and has not committed any offence as alleged in the F.I.R. He has been falsely implicated in this case. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. It is submitted that the trial is going on and the victim has been declared hostile during her deposition. No other witnesses have supported the prosecution case. The appellant has no criminal antecedent.
5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.
6. In the facts and circumstance of the case and considering the nature of allegation, I am not inclined to enlarge the appellant on bail. The prayer for bail on his behalf is rejected.
7. However, the trial Court is directed to expedite the trial.
8. Accordingly, this appeal stands dismissed.

(Anjani Kumar Sharan, J)

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