

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2882 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- RANIGANJ District- Araria

Bambam Kumar Sharma @ Bambam Kumar S/o Shrilal Sharma @ Lal
Sharma R/o vill - Kala Balua, ward no 12, P.S. - Raniganj, Distt. - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharry Devi W/o Shiv Charan Rishidev R/o vill - Kala Balua, ward no. 12,
P.S. - Raniganj, Distt. - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mrigendra Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 27-09-2024 Heard learned counsel for the petitioner as well as learned
APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Raniganj P.S. Case No. 120 of 2024, registered for the offences punishable under Sections 376, 504, 506 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. As per F.I.R., the victim is a deaf and dumb girl and her mother lodges F.I.R. stating therein that (she) the informant had gone to participate in a cremation along with her daughter-in-law, Tiliya Devi and when she returned therefrom, her daughter (the victim) narrated that the petitioner had committed rape upon her. When she apprised this fact to the villagers, a Panchayati was convened, in which, the petitioner did not accept the occurrence and further, co-accused, Bhim Sharma, Shankar Sharma, Ramchandra Sharma, Yogesh Sharma and Ashok Sharma abused her by calling caste name



and also threatened her to face dire consequences, if she lodged the case.

4. The learned counsel for the appellant has submitted that the appellant is innocent and the case has been filed two days after the occurrence without explaining the delay. It has also been submitted that the medical report shows that there is no evidence or injury on the person of the victim of any sexual assault.

5. On the other hand, the learned counsel for the informant has submitted that the delay has been explained in the F.I.R. itself as the villagers were taking recourse of Panchayati. The victim was examined by the doctor after 48 hours of the occurrence, as such, there is possibility of vanishing of the evidence. It has also been submitted that since the victim was deaf and dumb, her statement under Section 164 of the Cr.P.C. was recorded with assistance of a special educator and she had narrated the entire occurrence before the learned Magistrate.

6. Considering the aforesaid facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer of bail of the petitioner is rejected herewith.

(Nawneet Kumar Pandey, J)

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