

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2946 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- RAJEPUR District- East Champaran

ASHOK RAY Son of Biju Rai Resident of Village - Kuawa Mall, P.S.-
Rajepur, District - East Champaran, Motihari.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Kumari Wife of Kamal Ram Resident of Village - Bala Kothi, P.S.-
Rajepur, District - East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 14-05-2024 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Mr. Sadanand Paswan.

2. This is an appeal under Section 14-A(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 anticipatory bail vide
order dated 4-8-2022 in A.B.P. No. 1340 of 2022 passed by the
learned Special Judge S.C./S.T. (POA) Act, in connection with
Rajepur P.S. Case No. 20/2022 registered for the offences
punishable under Section 376D and 34 of the Indian Penal Code
as well as Section 3(2)(v) of the SC/ST Act.

3. Learned Spl. PP, at the outset, after perusing the
case-diary, submits that process under Section 82 Cr.PC has
been issued on 26-3-2022. It is further submitted that the instant



appeal came to be filed on 22-8-2022, i.e., five months after the process under Section 82 Cr.PC was issued. It is also submitted that it is a case of rape where the informant specifically alleges that Vikki and Subodh raped her, while the appellant along with others were making video of the occurrence. It is next submitted that no doubt the appeal was filed on 22-8-2022, but thereafter the appellant left the appeal unattended on which the learned counsel appearing on behalf of the appellant submits that he has appeared in this case based on no-objection as it appears that the learned lawyers, who were appearing for the appellant earlier, did not take interest in the case. Learned Spl. PP further submits that even the informant has supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C.

4. Considering the submissions made by the learned Spl. PP and the fact that process under Section 82 Cr.P.C. had been issued way back in March, 2022, the court is not inclined to entertain the appeal.

5. Accordingly, the instant appeal is dismissed.

(Satyavrat Verma, J)

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