

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3715 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- KHAIRA District- Jamui

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Suman Jha S/o Uday Kant Jha R/o Vill- Chandrashaili, P.S- Khaira, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi W/o Late Sukhdeo Ravidas R/o vill - Barabandh, P.s - Khaira, Distt - Jamui

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 14-11-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 24-07-2024 passed by Additional Sessions Judge, 1st Jamui, whereby the prayer for bail of the appellant in connection with Jamui SC/ST Case No. 46 of 2024 arising out of Khaira P.S. Case No. 100 of 2024 instituted under Sections 452, 341, 323, 376, 504 of the IPC and Sections 3(1) (r), 3(i)(s), 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that petitioner entered into the house of the informant and committed rape upon her.



4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is alleged that appellant has committed rape upon her. It is submitted that appellant was arrested on the same day and he was not medically examined, hence, the same amounts to violation of Section 53(A) of the Cr.P.C. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 15-03-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to medical report that victim had undergone sexual intercourse. Paragraph Nos. 9, 10 & 11 of the case diary is the statement of the witnesses who have supported the prosecution case. It is fervently submitted that victim has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C.

6. Considering the aforesaid facts and circumstances



of the case, taking into account the nature and gravity of the offence and perusing the medical report, which clearly states that victim has undergone recent sexual intercourse, this Court is not inclined to allow the appeal. Accordingly, appeal is *dismissed*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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