

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5608 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- MAHILA PS District- Gaya

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RAMJI YADAV @ BARE YADAV SON OF RAJENDRA YADAV
RESIDENT OF VILLAGE - BOKNARI, P.S. - PARAIYA, DISTRICT -
GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. USHA DEVI WIFE OF ANUJ MANJHI RESIDENT OF VILLAGE -
BOKNARI, P.S. - PARAIYA, DISTRICT - GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Priya Ranjan, Advocate
For the Informant	:	Mr.Shivendra Prasad, Advocate
For the Respondent/s	:	Mr.Binay Krishna, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-05-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 11.10.2023 passed by Exclusive Special
Judge, SC/ST, Gaya whereby the prayer for bail of the appellant
in connection with Mahila P.S. Case No. 124 of 2022 under
Sections 354, 376, 504, 506, 34 of the Indian Penal Code and
Sections 3(i)(r)(s)(w)(i) of SC/ST Act was rejected.

3. The prosecution case, in short, is that on



17.12.2022, one Krishna Paswan tried to outrage the modesty of the informant as the husband of the informant works outside and she lives with her two children. It is further alleged that on 17.12.2022, when the informant had gone for nature's call, this appellant took her in his house and raped upon her.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel further submitted that appellant never tried to outrage the modesty of the informant and allegations levelled against him are false and concocted. Learned counsel further submitted that the statement of the victim recorded under Section 164 of the Cr.P.C. totally varies from the statement of the FIR. In the FIR, the informant has specifically stated that she was raped on 17.12.2022 but in the statement made under Section 164 of the Cr.P.C. ,she has categorically stated that she was raped on 17.12.2022 by one Krishna Paswan and on 19.12.2022 by this appellant. Learned counsel, therefore, contended the contradictions in the Section-164 Cr.P.C. Statement and the FIR raises doubt over the prosecution story. 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 is in custody since 24.12.2022 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 appellant, stating that Section 164 statement of the victim fully corroborated the contents of the prosecution case and police after investigation submitted charge-sheet under Sections 341, 323, 354, 376, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i)/3(2)(v) of SC/ST Act against this appellant.

6. Earlier, vide order dated 04.04.2024, a report regarding the stage of the trial was called for from the concerned lower Court and the same has been received. In the said report, learned trial Court has reported that the case has been fixed for charge on 10.05.2024. It is further reported that the trial is expected to be concluded within six months.

7. Considering the nature and gravity of offence, at this juncture, this Court is not inclined to grant bail to the appellant.

8. Appeal is dismissed.

9. However, if the trial is not concluded within the stipulated period of six months, liberty is granted to the



appellant to renew his prayer for bail before the concerned trial Court and the concerned trial Court will consider the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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