

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2069 of 2024

Arising Out of PS. Case No.-540 Year-2023 Thana- GORAUL District- Vaishali

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Ajeet Kumar @ Ajit Kumar son of Late Ravindra Singh Village- Shahpur @
Majiya, P.S. Goraul O.P., District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vasant Vikas, Advocate

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

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

ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 05-01-2024 passed by learned Exclusive Special Court (SC/ST Act)-cum-Additional Sessions Judge, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Garaul PS Case No. 540 of 2023 under Sections 341, 324, 307, 354(B), 506 & 34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is on 11 December, 2023, while informant and his family were asleep, appellant and other two persons forcefully entered into the room of his daughter, where she was sleeping and attempted to molest her.



When informant intervened, appellant attacked him with an iron rod, injured his head, while the other two men, armed with weapons, threatened to kill them if they spoke out or raised any alarm.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case on the ground of enmity. Charge-sheet has been submitted in this case. It is submitted that prior to occurrence, the informant took Rs. 1,20,000/- for the expenses of his daughter's marriage from the petitioner and when the appellant demanded the said due amount from the informant, he has lodged the case with ulterior motive. There is delay of four days in lodging of the FIR. 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 21-12-2023 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Victim in her statement recorded under Section 164 of the Cr.P.C. has



stated that appellant has committed rape upon her. Victim has refused for her physical examination. Police after completion of investigation has submitted charge sheet under Sections 341, 323, 376, 354(B), 500 & 506 of the IPC, Sections 3/4 of the POCSO Act and Sections 3(1)(r)(s), 3(w)(1), 3(2)(va) of the SC/ST Act.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and taking into account there being direct allegation against the appellant of rape which is deposed by the minor victim in her statement, this Court, at this stage, is not inclined to allow the appeal. Accordingly, appeal is *dismissed*.

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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