

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3144 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

SHRIKANT YADAV @ SHRI KANT YADAV S/O ANIL YADAV R/O
VILLAGE- DILDAR NAGAR, P.S- DILDAR NAGAR, DISTT.- GAJIPUR
(U.P).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. DHANWATI KUMARI @ NEHA SONALI D/O SHRI BAJRANGI RAM
R/O VILLAGE- KUSUMPUR DILDARNAGAR, P.S- DILDARNAGAR,
DISTT.- GAJIPUR (U.P).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tribhuwan Narayan, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 06-02-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 22.06.2024 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with Mahila P.S. Case No. 15 of 2024 dated 21.04.2024 registered for the alleged offences punishable under Sections 341, 323, 363, 376D, 504 and 506 of the Indian Penal Code and and Sections 3(1)(r)(s)(w)/ 3(2)(v)



of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, the appellant and the co-accused person are alleged to have committed rape on the informant. It is further alleged that the accused persons abused the informant by calling her caste name and also threatened her that she would be killed if she disclosed the offence to anyone.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The occurrence took place on 18.04.2024 but the F.I.R. was lodged on 21.04.2024 and there is no explanation for this delay. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 10.06.2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant and submitted that the specific allegation is against the appellant who committed rape on the informant. Learned counsel has further submitted that the victim in her statement recorded u/s 164 of Cr.P.C. has



supported the prosecution case. Paras 1, 2, 5, 8, 14 and 85 of the case diary which clearly shows that the petitioner has direct involvement in the alleged offence.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 22.06.2024 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with Mahila P.S. Case No. 15 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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