

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3341 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- TISIAUTA District- Vaishali

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Deepak Kumar Son of Rambabu Mahto Resident of Village - Mujiya, P.S.-
(Belsar O.P.), Vaishali, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Kumari Daughter of Dhiru Ram Resident of village - Mujiya, P.S.-
(Belsar O.P.), Vaishali, District – Vaishali.

... .. Respondent/s

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Appearance :
For the Appellant/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP
For the Informant : Mr. Sabal Kumar Jha, Advocate

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

ORAL ORDER

9 20-03-2025 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 20.06.2024 passed by Exclusive Special

Court SC/ST Act, Vaishali at Hajipur whereby the prayer for

bail of the appellant in connection with Tisiauta P.S. Case No.

49 of 2024 under Sections 341, 323, 447, 376, 504, 506, 34 of



the Indian Penal Code and Sections 3(1)(r)(s)(w)(i)(ii), 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that when the informant went outside to attend the nature's call, the accused persons including the appellant dragged her in a car, tied her hands and committed wrongful act with her and also hurled caste abuses.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. Learned counsel further submitted that appellant and the victim are next door neighbours and due to previous enmity, the appellant has been dragged in this case. 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 22.05.2024 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 appellant, stating that as per FIR, there is direct allegation against the appellant of commission of sexual intercourse which



is corroborated by the statement of the victim recorded under Section 164 of the CrPC. Learned counsel for the informant and learned SPP for the State therefore, pray that the appellant does not deserve to be released on bail.

6. On perusal of the report dated 27.11.2024 sent by the learned court below, it appears that the case is pending for prosecution evidence and there are four charge-sheeted witness but none of them has been examined. Learned court below has further reported that trial is likely to be concluded in the next three months.

6. Considering the aforesaid facts and circumstances of the case, the present stage of the trial as per the report sent by the learned Special Judge as also the nature and gravity of offence, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal is dismissed.

8. Learned trial court is directed to expedite the trial and conclude the same without any undue delay and unnecessary adjournments. .

9. The District Magistrate, Vaishali and the Superintendent of Police, Vaishali are also directed to produce the charge-sheeted witnesses before the learned court below as and when required for expeditious conclusion of trial.



10. Let a copy of this order be communicated to the
District Magistrate, Vaishali and the Superintendent of Police,
Vaishali.

(Rudra Prakash Mishra, J)

Alok Verma/-

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