

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4930 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- ISHUPUR BARAHAT District- Bhagalpur

ASHISH SINGH @ ASHISH KUMAR SINGH Son of Lawan Singh @
Randhir Singh R/o vill - Sawaiya, P.S. - Ishipur, Barahat, Distt. - Bhagalpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Baha Marandi D/o Bablu Marandi R/o Yaddu Bhalua, P.S. - Issipur, Barahat,
Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the Informant	:	Mr. Aditya Nath Pandey, Ms. Aprajita Kumari, Mr. Yeshoneel Ratnam, Ms. Neha Kumari, Ms. Swetakshi Shah, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 22-07-2025 Heard learned counsel appearing on behalf of
appellant, informant and Spl. Public Prosecutor.

2. This criminal appeal has been filed against the order dated 26.09.2023 passed by learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST, Bhagalpur in ABP No. 2383 of 2023 arising out of Ishupur Barahat P.S. Case No. 97 of 2023, registered under Sections 452, 341, 323, 506, 376 of the Indian Penal Code and Section 3(1)(r)(s)(w)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, on 25.06.2023 at about 6



PM, when informant was at her house, this appellant sneaked into the house of informant and made sexual overtures and when informant objected, this appellant slapped her, forcibly committed rape with her and tried to strangle her.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Present F.I.R. has been lodged on account of land dispute between the parties. Victim was examined by the doctor on 22.07.2023 and no any external or internal injury was found by him. He further submits that age of the victim has been found between 17 to 19 years. There is inordinate delay of 28 days in lodging the F.I.R. without any plausible explanation which itself creates doubt over veracity of the prosecution case. Appellant claims clean antecedent.

5. However, learned Spl. Public Prosecutor appearing for the State as well as learned counsel for the respondent no. 2 vehemently opposed the prayer for bail and submits that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case.

6. Considering the gravity of accusation and statement of the victim recorded under Section 164 Cr.P.C., I do not find any ground to interfere with the order of the learned court below



and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

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