

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No. 770 of 2025

Rahul Mahto

.....Appellant

Versus

1. The State of Jharkhand
2. Victim 'X' through her father

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Sourabh Kumar Das, Advocate
 Mr. Abhishek Kumar, Advocate

For the State : Mr. Shailendra Kumar Tiwari, Spl. P. P.

For the Resp. No. 2 : None.

ORAL ORDER IN COURT

04/27.11.2025 This Criminal Appeal has been filed on behalf of the appellant under section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for grant of bail in connection with SC/ST P. S. Case No. 05 of 2025 for the offences under Sections 323/307/354/420/376/366 of Indian Penal Code and Section 3 (1) (s)/3(1)(w)(i)/ 3(1)(w)(ii) of SC/ST Act by which the prayer for bail of the appellant has been rejected by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Lohardaga in M.C.A. No. 248 of 2025 vide order dated 17.07.2025.

2. As per FIR, it has been alleged that the appellant, on pretext of marriage, had committed rape upon the Informant-Victim Lady and further he had also withdraw an amount of Rs. 5,00,000/- from the account of the Informant. It is further alleged that the appellant tied her hands and legs and left her on

Railway Track and on hearing her cries, the villagers assembled and saved her.

3. Heard Mr. Sourabh Kumar Das, learned counsel for the appellant and the learned counsel for the State. However, none appears on behalf of the Informant.

4. Learned counsel for the appellant submitted that the impugned order passed by the learned Court below rejecting the bail of the appellant is illegal and not sustainable in the eye of law. It has been submitted that the appellant is innocent and has not committed any offence. It is submitted that the allegation against the appellant are false and concocted. It is submitted that no such type of occurrence has taken place as there was love affairs between both the Appellant as well as the Victim Lady. It is submitted that no offence under Section 3(1)(s)/3(1)(w)(i)/3(1)(w)(ii) of SC/ST Act is made out as offence was not committed and also because the victim girl is not the member of scheduled caste and the details of the victim and her family member have not been disclosed in the entire petition. It is submitted that only general and omnibus allegation are made against appellant. It is submitted that the FIR itself suffers from gross and unexplained delay. It is submitted that the first alleged occurrence is said to have occurred on 11.08.2022 whereas complaint case was filed only on 06.08.2024 i.e. after an inordinate delay of around two years which has not properly explained. It is submitted the SC/ST Act has been mechanically applied without any specific allegation of caste based insult or humiliation in public view which is mandatory requirement under the provision of SC/ST Act. It is submitted that the Informant is a

married lady and hence no offence under Section 376 of IPC is made out against the present appellant. It is submitted that no offence under Section 307 of the Indian Penal Code is also made out against the appellant as the Informant has not suffered any injury. It is submitted that the appellant is in custody since 30.06.2025 and hence the appellant may be enlarged on bail.

5. Learned counsel for the State has opposed the prayer for bail. It is submitted that the appellant had established physical relationship with the victim girl several times on the pretext of marriage. It is submitted that even after promise, the appellant has taken the victim girl in his house and thereafter he tied the hands and legs of the victim girl and threw her on Railway Track so she may die in railway accident. It is submitted that victim lady and several witnesses have fully supported the prosecution case and even several villagers have stated that they had rescued the victim lady from the Railway Track as her hands and legs were tied and she was crying and hence, prayer for bail of the appellant may be rejected.

6. Perused the Lower Court Records, F.I.R and the case diary and considered the submissions of both the sides.

7. It appears that the complaint was filed on 06.08.2024 by the complainant and the same was sent for investigation under Section 156 (3) of the Cr. P.C. by the learned Court below and thereafter the police has lodged the FIR on 31.05.2025 for the offences under Sections 323/307/354/420/376/366 of Indian Penal Code and Section 3 (1) (s)/3(1)(w)(i)/ 3(1)(w)(ii) of SC/ST Act.

8. It appears from the FIR that though the appellant was having love affairs with the Informant, but he had tied the hands

and legs of the Informant and had thrown the Informant on Railway Track.

9. It further appears that the villagers had assembled on the cry of the victim lady and they had rescued the victim lady from the Railway Track.

10. It appears from para-16 of the case diary that the victim lady-the Informant was also examined by the police under Section 161 of the CrPC and she has fully supported her case.

11. It also appears from para-20 of the case diary that on 03.06.2024 morning, when Munita Kumari, friend of informant got the news on phone that the informant was thrown with tied hands and legs on the railway track of Mahua Milan Station and local people saved the victim, she came there and took the informant to her home and she has supported the case of the Informant-Victim Lady. Thereafter the Complaint Case was filed on 06.08.2024.

12. Under the circumstances, there is no merit in this Cr. Appeal (SJ) No. 770 of 2025 and accordingly, the prayer for bail of the appellant is, hereby, rejected.

13. Hence, the order dated 17.07.2025 passed by Sri Shwaymbhu, learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Lohardaga in M.C.A. No. 248 of 2025, arising out of SC/ST P. S. Case No. 05 of 2025 is upheld.

14. Thus, Cr. Appeal (SJ) No. 770 of 2025 is dismissed.

(Sanjay Prasad, J.)

Dated: 27.11.2025
Kamlesh/