

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1072 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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Md. Mojeeb @ Mojeeb S/o Md. Sayid @ Sahim, Resident of Village- Pachhiyari
Jhirva, Ward No. 15, P.S. Simraha, District- Araria.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Md. Naushad Uzzoha, Adv.

For the Respondent : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 20-12-2016

1. Heard learned counsel for the appellant as well as
learned Special Public Prosecutor for the State.

2. This criminal appeal filed under Section 14(A) (2) of
S.C./S.T. (Prevention of Atrocities) Amendment Act is preferred
against the impugned order dated 26.08.2016 passed by learned 1st
Additional Sessions Judge cum Special Judge, Araria by which and
whereunder he refused to enlarge the appellant on bail who was made
accused in Araria Mahila P.S. Case No. 17 of 2016 registered for the
offences punishable under Sections 366, 376 of the Indian Penal
Code, Section 3(i) (xii), 3(2)(v) of S.C./S.T. (Prevention of Atrocities)
Act.

3. There is allegation against the appellant that he took



the informant in the house of his sister where she was made captive and the appellant committed rape on her. The police having got information from the villagers came there and rescued the informant.

4. Learned counsel appearing for the appellant submits that the story, as propounded by the prosecution, is completely absurd and as a matter of fact, no occurrence as alleged in the first information report, did ever take place but I am not in agreement with the submission of learned counsel for the appellant and in my view, the learned trial court rightly rejected the bail application of the appellant.

5. On the basis of aforesaid discussions, this criminal appeal stands dismissed and the impugned order dated 26.08.2016 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria is, hereby, confirmed.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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