

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1952 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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1. Chandan Kumar @ Chandan Rawani Son of Sachidanand Ram @ Sachidanand Singh, Resident of Village- Bihta, P.S.- Haspura, District- Aurangabad (Bihar).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-08-2017 The appellant seeks pre arrest bail in connection with Mahila P.S. Case No. 09 of 2017, registered for offences punishable under Sections 341, 342 and 376D and 506 of Indian Penal Code, Section 4 of POCSO Act and section 3 of SC/ST Act.

Allegation against the appellant and other accused person is that they committed rape on the informant.

It has been submitted on behalf of the appellant that in this case statement of girl under Section 164 Cr.P.C has been recorded, in which she has not named the appellant and he has falsely been implicated in this case.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is



made out against the appellant, as such, this appeal is not maintainable.

Let appellant surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the above submission of learned counsel for the appellant as well as the statement of girl recorded under Section 164 Cr.P.C., shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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