

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2536 of 2017

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

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Nikhil Kumar, Son of Krishna Singh, Resident of village- Bihta, P.S.-
Haspura, District- Aurangabad.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-08-2017 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Mahila P.S.Case No. 9 of 2017 registered under Sections 341, 342, 376(D), 506 of the Indian Penal Code, 4 of POCSO Act and 3(1)(r)(s), 2(1)(w)(ii) & 3(2)(v) of SC/ST Act and for setting aside the impugned order dated 31.5.2017 passed by Additional Sessions Judge-I-cum-Special Judge, Aurangabad.

Allegation as per FIR against the appellant is of committing rape upon minor daughter of informant.

Submission of learned counsel for the appellant is that the victim girl has not supported the prosecution story in her statement under Section 164 Cr.P.C. and he has falsely been



implicated in this case.

Learned Special P.P., who has opposed the prayer for pre-arrest bail on the ground of maintainability of the appeal.

Having heard both sides and in view of facts and circumstances, the appeal is not maintainable.

Let appellant, above named, surrender before the court of Special Judge and pray for regular bail, which shall be considered on its own merit, and disposed of without being prejudiced by this order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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