

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1272 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -SANHOLA District- BHAGALPUR

=====

1. Shambhu Jha, son of Late Jotish Jha, resident of Village- Tarar, P.S.-
 Sanhoola, District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dr. Manoj Kumar -Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan-S.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 15-02-2017

Heard learned counsel for the appellant as well as

learned Special Public Prosecutor.

Instant appeal has been preferred against an order dated 22.09.2016 passed by the 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T., Bhagalpur in connection with Sanhoola P. S. Case No.88 of 2016, G. R. Case No.2550 of 2016 whereby and whereunder the learned lower court had rejected the prayer for bail.

An innocent girl aged about 7 years fallen pray at the end of the appellant, took her inside his house on the pretext of cleaning and then thereafter, committed rape. Victim had categorically stated in her statement identifying the appellant to be the person, who committed rape upon her.



Learned counsel for the appellant has submitted that appellant has fallen victim of false implication on account of village politics. It has also been submitted that there happens to be delay in launching of prosecution without any cogent explanation. Also submitted that medical report did not corroborate the allegation. In the aforesaid background coupled with the period of detention since 04.08.2016, the learned counsel for the appellant has prayed for bail.

Learned Special Public Prosecutor opposed the prayer and submitted that apart from statement of the victim, she was examined on 30.07.2016, on which date, there was some sort of injury present over her private part and on account thereof, the doctor had opined that no sign of sexual intercourse recently.

Considering the nature of the allegation having attributed by the victim herself, the prayer of the appellant is found non-maintainable whereupon instant appeal is dismissed being meritless.

(Aditya Kumar Trivedi, J)

Vikash/-

U		T	
---	--	---	--

