

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1147 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -LAKHNAUR District- MADHUBANI

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Ghuran Jha Son of Late Ram Prasad Jha, Resident of Navtol, P.S.- R S
Shivir (Lokhanour) , District- Madhubani.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Jha

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-05-2017 Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14A (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 07.02.2017 passed by the learned Additional Sessions Judge, 1st Madhubani in B.P. No. 1250 of 2016 in connection with Lakhnour (R.S. O.P.) P.S. Case No.175 pf 2016 corresponding to G.R. No. 1604 of 2016, registered for the offences under Section 376 of the Indian Penal Code and 3(i)(w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act whereunder prayer for regular bail made on behalf of the appellant has been rejected.

Allegation against the appellant is of committing rape upon the informant on the pretext of marrying her. However, the mother of the informant came and caught hold of them. The appellant abused her and he had not ready to keep the informant.

It has been submitted on behalf of the appellant that



this case is out and out a love affair between the parties and the informant has also compromised the case by filing a compromise petition in the court concerned itself and the appellant is in custody since 8th October, 2016.

Heard learned Special P.P. also.

Learned Special P.P. submitted that the statement of the girl has also been recorded under Section 164 Cr. P.C. wherein she has supported the case on the point of sexual intercourse also.

Heard both sides and in view of the statement of the victim girl recorded under Section 164 Cr. P.c. I am not inclined to grant bail to the appellant in connection with Lakhnaur (R.S. O.P.) P.S. Case No. 175 of 2016, pending in the court of learned Additional Chief Judicial Magistrate, Jhanjharpur (Madhubani) is rejected. However, the appellant may renew his prayer for bail in the court below itself after the evidence of the prosecutrix is recorded.

With the above observation, this application is dismissed at this stage.

(Vinod Kumar Sinha, J)

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