

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2860 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Kundan Kumar Singh @ Mahendra son of Pramod Singh, resident of Village- Hasanpur, Police Station- Mahnar, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-11-2017 Heard the parties.

The appellant seeks pre arrest bail in Mahnar P.S. Case No.127 of 2017 registered for the offence under Sections 341, 376, 511, 504, 506 of the I.P.C., Sections 8, 12 of POCSO Act and Sections 3(1)(w), 3(1) (r), 3(2)v (A) of SC/ST (POA) Act.

Allegation against the appellant is of attempting to commit rape on the daughter of the informant and also abusing her.

Submission of the learned counsel for the appellant is that, as a matter of fact, the son of the informant along with other accused assaulted the appellant while he was returning from Mahnar bazaar to his village by rod, hockey stick and danda causing injury on his head as a result of which he became



unconscious and he was treated P.M.C.H. and for that the petitioner lodged Mahnar P.S. Case No.132/17 as contained in Annexure-2. which shows that at the relevant time the appellant was being treated. As such, he has been falsely implicated in the present case.

Heard learned Special.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the appellant. However, appellant is directed to surrender before the court below within six weeks from today and pray for regular bail which will be considered by the learned Special Judge considering that the appellant has also sustained injury on its own merit, if possible, on the same day without being prejudiced by this order.

With the aforesaid observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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