

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.361 of 2018

Arising Out of PS.Case No. -487 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Abbas Mian @ Mohammad Abbas Son of Late Kariman Mian Resident
of Village-Bardag Tola, Manjhosa, Police Station-Mohanpur, District-Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by the learned 1st Additional Sessions Judge, Gaya in POCSO Case No. 64 of 2017 arising out of Barachatti (Mohanpur) P.S. Case No. 487 of 2017 registered under Section 376 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offenses Act, 2012 as well as Section 3(i)w(i)(ii)2(v) of the SC/ST Act.

Allegation against the appellant is that he ravished to the informant by force.

Submission of the learned counsel for the appellant is that both sides are neighbours. There is land dispute



between the parties. Hence, the false allegation.

No document of land dispute has been produced.

Next submission is that the allegation is not corroborated by medical evidence.

It is well settled by judicial pronouncement that in such matter to seek for corroboration would amount to insult the women. Hence, there is no need for corroboration at this stage.

Further submission is that the appellant has got no criminal antecedent and he is in custody since 16.08.2017.

Considering the nature and seriousness of the allegation, the aforesaid is no ground to grant bail to the appellant. Hence, prayer for bail is refused.

Learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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