

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1776 of 2018

Arising Out of PS.Case No. -201 Year- 2017 Thana -TAJPUR District- SAMASTIPUR

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1. Mantun Jha @ Mantun Kumar Jha @ Prabhat Kumar Jha S/o Dev Kumar Jha,
R/o Vill.- Mujauna, P.S.- Tajpur Vaini, District- Samastipur..... Appellant/s
Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashank Shekhar, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-07-2018

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 against the refusal of prayer for bail by order dated 27.04.2018 by the learned Addl. Sessions Judge-1st Samastipur, in connection with Tajpur (Vaini) Police Station Case No.201 of 2017 registered under Section 376 of the Indian Penal Code, Section 4/8 of POCSO Act and Section 3(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he ravished to the minor daughter of the informant. The victim girl has supported the aforesaid allegation in her statement under Section 164 Cr.P.C.

Submission of the learned counsel for the appellant is that appellant is in custody since 13.04.2018. The



appellant has been falsely implicated in this case for the reason that in the past, family members of the appellant had lend money to the informant on his request which the informant was not returning and for that dispute, just to pressurize, false case has been lodged. There is delay of 07 days in lodging the FIR of such a serious allegation. The Medical Board has not found any injury on the private part of the victim. Some of the witnesses have stated that they were working nearby the place of occurrence but they did not hear any cry/screaming etc.

Considering the statement of the victim as well as her disclosure to other family members, who have supported the same before the police, I am not inclined to enlarge the appellant on bail.

Hence, prayer for bail is refused.

The appellant may renew prayer for bail, if trial does not progress till nine months from the date of receipt/production of a copy of this order.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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