

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 898 of 2018

Arising Out of PS.Case No. -21 Year- 2017 Thana -ROSHANGAANJ District- GAYA

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Ganesh Chaudhary, Son of Late Ramdev Chaudhary, Resident of Village-
Dumrawan, Police Station-Bankey Bazar, District-Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-06-2018

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-cum-Special Judge, POCSO Act, Gaya in POCSO Case No. 15 of 2017 arising out Raushanganj (Banke Bazar) Police Station Case No. 21 of 2017 registered under Section 376 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offenses Act, 2012 and Section 3(i) (W)(i)(ii)(2)(v) of the SC/ST Act.

Allegation against the appellant is that he induced the daughter of the informant, aged about 18 years, to go to his house and committed rape against her. The victim has supported the



allegation.

Learned counsel for the appellant submits that the allegation is not corroborated by the medical evidence. There is no other eye witness. It is highly unreliable that the girl was missing from the house and no family member was taking care of to search out. Appellant is in custody since 23.02.2017.

Considering the nature of allegation, I am not inclined to enlarge the appellant on bail at this stage. Hence, prayer for bail is refused.

Learned trial court is directed to expedite and conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order, failing which the appellant may renew the prayer for bail before the court below itself who shall pass a reasoned order.

(Birendra Kumar, J)

Kundan/Sanjeev

AFR/NAFR	N.A.
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