

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1341 of 2019

Arising Out of PS. Case No.-108 Year-2017 Thana- MAHILA P.S. District- Madhepura

RAM KUMAR GUPTA S/o Kameshwar Gupta R/o village- Mangalwara,
P.S.- Srinagar, District- Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashwani Kumar Tiwary
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 24-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 19.07.2018 passed by learned 1st Addl. Sessions Judge, Madhepura in POCSO Case No. 28 of 2017 arising out of Mahila (Madhepura) P.S. Case No. 108 of 2017 registered under Sections 376, 341, 323, 504 and 506/34 of the Indian Penal Code, Section 4 of POCSO Act and Section 3(i)(w) of the SC/ST Act.

When the informant was regressing to her house taking basket of grass on her head, appellant caught her hold and dragged her to forest and committed rape against her on the



point of pistol. Then he took her to Purnea on motorcycle and kept her in a house at lonely place and committed rape against her. On refusal by the informant to perform marriage with the appellant, he kept her in the aforesaid house and again committed rape against her.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case as the appellant runs a grocery shop in the village and there is dues against the father of the informant for purchasing articles from his shop and in order to grab aforesaid dues of the appellant, father of the informant has got this false and frivolous case lodged against the appellant. Victim was medically examined after twelve days and there is inordinate delay of 12 days in lodging the F.I.R. Appellant has been languishing in custody since 25.06.2018. Hence he may be enlarged on bail.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that the appellant has committed rape against the victim time and again by dragging her in the forest and taking her at Purnea. The victim in her statement recorded under Section 164 Cr.P.C. has corroborated the occurrence and the doctor on medical



examination of the victim has found her Lebia Majora separated and hymen torn and features of intercourse present and the victim was found to be aged about 14-16 years in the medical examination, hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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